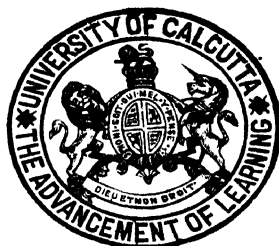


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The Evolution of Law

BY

NARESCHANDRA SEN GUPTA, M.A., D.L.

CHAPTER I.

SCOPE AND PROVINCE OF AND MATERIALS FOR THE STUDY OF SOCIOLOGICAL JURISPRUDENCE.

The subject-matter of this work is what may be called a study of laws in their evolution, not the laws of any particular country or particular age but human laws generally. It may be called Historical Jurisprudence or Comparative Jurisprudence ; but both these terms are liable to misconstruction, because they have been applied to other branches of the study of Law. A more satisfactory term is Sociological Jurisprudence, though that too is not perfect.

In this study we take our stand on the fact that human society grows, no matter whether you take the most forward races of the civilised world, or the most backward savages. Society, even among savages, does not stand now where it did in the days of the first man. The society and institutions that you find there are the results of a long course of evolution. It is the purpose of Sociology to study this evolution of the various social forms and institutions.

There are two main sources of information with regard to the earlier stages in the study of this evolution: (i) the ancient social history of civilised communities and (ii) condition of the societies of retarded races, who have in many cases retained the

primitive institutions which have died out in civilised society.

Of ancient society,
(1) written accounts
left by the people
themselves.

So far as the past history of civilised races is concerned, information about it may be obtained from three different sources. Firstly, there are accounts left of the society of ancient times by the people themselves. Such accounts may be found from very remote times. The Iliad and the Odyssey, the Mahabharata and the Ramayana, the Norwegian and Icelandic Sagas and all the other legendary lore of different communities furnish such material. Of a somewhat different kind, though belonging to the same category are ancient historical records like those of Herodotus and Thucydides. The value of such records where they exist, is necessarily very great. But we have to set off against it the aberrations caused by various circumstances. Racial pride very often deflects the judgment of the authors. Besides, these ancient works often give us society as it ought to be according to the authors, rather than society as it actually is. Then again, there is the further fact that the very familiarity of the authors with the institutions they are dealing with, makes them blind to many things in them which they take for granted.

In the second place there are records of the institutions left by foreign observers. These have the merit of absence of bias in favour of the society described. But on the other hand there is the opposite bias arising from a sense of racial pride, which looks upon institutions differing from those of the observer's own society with more or less contempt. Even Cæsar and Tacitus, the most faithful recorders of foreign customs we know of, are not quite free from this bias, though Tacitus sometimes goes to the other extreme of praising German customs to discredit the Roman society of his time. The foreign observer has the advantage of observing many things which escape the observation of the local recorders by reason of their very familiarity. On the contrary they can seldom enter into the

(2) accounts of
foreign observers.

spirit of foreign institutions to the same extent as local observers may. The result very often is that, with the best of intentions, they give very distorted descriptions of institutions. These are the natural pitfalls of a thoroughly honest foreign observer. Besides, foreign observers often write with a purpose, whether, as in that entirely imaginative work, Xenophon's *Cyropædia*, with the object of idealising foreign institutions, by way of criticism of those of the writer's own country or for the purpose of glorifying the national institutions of the observer, as in the description of Troglodytes or Cyclops by Herodotus and Homer.

From all these defects of the local records, the last source of information about ancient societies, namely, (3) Ancient law. • laws, are exempt. They are, as Maine points out, the unconscious records, faithfully kept, of the ancient institutions of the race. They were made, not for the purpose of being passed on to posterity as a picture of the society of the time, but with the practical object of regulating contemporary society. They are therefore absolutely free from bias; so that, if we can get hold of a body of laws of any race at a particular age, we may be perfectly sure that the institutions vouched for by those laws actually existed in the society of that age. A study of ancient laws therefore is of much greater importance in the study of the social history of a race and of the evolution of society.

We have to be cautious however and make sure that the laws we are dealing with are really laws of that particular age. The mere fact that a rule is found in the law books of a particular time does not necessarily imply that the law was actually in existence at that time. Laws and institutions of ancient times have often a habit of lingering in the books long after they have ceased to have any practical value. If you take up a text-book on Hindu Law written say one hundred years ago, you will find it dealing with the institution of *Niyoga*,

Need of caution in dealing with ancient law. Survivals in law books.

with marriages outside caste, with the eight forms of marriage and twelve forms of sons, sometimes without giving you the slightest suggestion that they were obsolete. Long after the son's and the wife's right to separate property had been recognised in Hindu Law and embodied, in fact, in other parts of the same work, we find Manu laying down that sons, slaves and wives were incapable of acquiring property, and that whatever they acquired became the property of him to whom they belonged. This text survived because it was still living authority in respect of the slave though it had become quite obsolete in the case of the others. Nor is this defect one of very ancient laws alone. As late as in the days of Queen Victoria, it was discovered that trial by battle which had, for centuries, ceased to be practical law was still good law according to the books.

On the other hand there are laws which lay down what ought to be, rather than what are practical laws. The Hindu Codes, specially the later ones, are full of laws of this character. If we were to draw a sketch of society on the basis of these idealistic laws, it would naturally represent something very different from the actual state of affairs. While therefore the very great importance of laws for studying the societies in ancient times cannot be gainsaid, the path of such study is not exactly a bed of roses. A great deal of circumspection has to be exercised for determining what exactly are the laws of any particular race or age before we can proceed to dogmatise about them.

The credit for drawing attention, of the English-speaking world at least, to the importance of a study of laws on the genetic method belongs to Sir Henry Maine. He established the new school of historico-comparative jurisprudence by his researches which are embodied in four volumes of epoch-making works. The materials at his disposal were exceedingly scanty. Such facts as were known had never before been critically

Ideal nature character of some laws.

Maine, the father of Comparative Jurisprudence.

investigated. The result is that you will find many of Maine's conclusions requiring revision now. But the new line of study which he initiated was full of the richest promise. Since his days, a great deal has been done by other scholars following in his wake. But considering the very limited evidence which was accessible to him, the wonder is not that Maine's conclusions will require correction at times, but that so much of his conclusions is actually supported and strengthened by later researches.

At the same time with Maine, there was another great Ihering and his jurist in Germany who also studied ancient method. laws on very similar lines. That was Rudolph von Ihering. There is a fundamental difference however between the methods of Ihering and Maine. Both studied historical facts and tried to arrive at the course of their evolution. But while Maine's method was mainly empirical, Ihering's was one in the nature of a critical study of those facts. In his book on the Spirit of Roman Law (*Geist der Römischen Rechts*) he points out that the object of the historical jurist is not to study the external history of legal institutions but their inner chronology, that is to say, their inner evolution. He points out also how, as a matter of fact, chronological sequence of facts and institutions very often gives an erroneous impression of their genetic order. The true method for him therefore was to interrogate the historical facts critically for the purpose of arriving at the inner evolution of juridical phenomena by searching, in the inner motives of their being, for their hidden springs and ultimate roots and their spiritual interdependence.¹

Since Maine and Ihering wrote, the study has flourished very much. Fustel de Coulanges, Letourneau, Kohler, Tarde and

¹ Ihering, *Geist der Römischen Rechts*, Vol. I, p. 15. * * * Was sie beabsichtigt ist eine Kritik der Römischen Rechts * * * eine geschichtsphilosophische Kritik, d. h. eine solche, welche dasselbe auf seinem ganzen Wege von Anfang bis zu Ende begleitet, nicht um sich bei der äussern historischen Tatsache zu begnügen * * * sondern um das innere Getriebe des geschichtlichen Werdens, die verborgenen Triebfedern, die letzten Gründe, den geistigen Zusammenhang der gesammten Rechtsentwicklung zu ergründen.

a large body of other scholars have devoted themselves to the study of juristic evolution with considerable ability and often with command of a vast deal more of material than was available either to Maine or to Ihering.

As already mentioned, the materials for the study of historical jurisprudence fall under two classes. Firstly, ancient laws and, secondly, the customs and usages of backward or retarded races and accounts of social customs and usages of ancient races. First amongst the ancient laws we may name

Roman law and its importance. Roman law, not because it is anything near the earliest system, but because it has the

longest ascertainable history of any legal system. And, besides, Roman law has been studied for centuries and the acutest minds have been devoted to the study of the history of Roman laws and institutions. The result is that we can speak with far greater assurance of the development of laws and institutions in Rome than of those of any other country. Besides, the methodical treatment of laws in Rome and the systematic history that we have got of the greater part of the legal life of Rome marks it out easily as the standard by reference to which we may study other legal systems.

The laws of the Hellenes form also an important part of the body of ancient laws to which we have access.

Laws of the Hellenes. The sources of information with reference to this law are far fewer than in the case of Rome. We have got the Code of Solon and the speeches of orators made in defence of accused persons before the Athenian tribunal, for instance.

The Egyptian Law leads us back to a very remote antiquity of which we have got a fairly accurate record. But so far as legal history is concerned, perhaps the most startling and the most interesting body of evidence is furnished from ancient Babylon. The

Egyptian Law. laws of Babylon and their ancient documents embodying legal transaction between parties

Babylonian Law. have come down to us in a form in which they could not

have been tampered with. These documents consist of tablets of baked earth, upon which were inscribed the writings of the ancient Chaldeans and these tablets have been unearthed recently from where they had lain for thousands of years, unknown and away from human eyes. The excavations which were carried on in Mesopotamia in the last century led to the discovery of not only great cities and palaces but also of libraries containing numerous volumes of these earthen books and of a large number of documents which have added very greatly to our knowledge of ancient laws.

Another ancient system of laws of which we have a great deal of information, although it is not quite as unimpeachable as the Babylonian evidence, is that of the Hebrews. The Old Testament and Talmud between them contain a vast amount of material for legal history of this important Semitic race which has only been partially utilised.

A vast mine of information about juridical history is to be found in the ancient laws of India. The works which embody these laws and customs date back to very remote antiquity and embody customs and usages which have come down from a still remoter antiquity. This vast material however suffers from a great deal of confusion of sequences, so that it is very difficult to say of any law or institution that it either preceded or followed another law or institution. The whole subject has got to be studied from the really critical-historical point of view by historians of the law. And the evidences have to be critically sifted by comparison with those of other Indo-Germanic races.

Amongst these a very important source of our knowledge is to be found in the laws and customs of the Celtic and Germanic races of North Europe. We have very good accounts of the early Celtic and Germanic customs from the pen of acute observers like Julius Cæsar and Tacitus who, in those remote days obtained some first-hand knowledge of these races, who were then in a much less

Laws of Israel.

Hindu Law.

Laws of Celtic and Germanic races.

advanced state of civilisation than the Romans or Greeks. These customs also form the basis of the later laws of the Germanic races which can be studied, for instance, in the *Leges Barbarorum*, in the Anglo-Saxon laws and in the Icelandic Sagas. Some of

Laws of Slavonic races. the ancient customs of Indo-Germanic races have been traced in the latter-day customs of Slavonic races in Russia and the Balkan peninsula. A notable instance of these primitive Indo-Germanic laws is furnished by the Brehon laws. These were originally the laws of Celtic races

Brehon Laws. in their pre-Christian days which were carried down from generation to generation by their priests. But in their present form they have been transformed by the influence of Christianity. In spite of this we can trace in these laws a great deal of genuine ancient Celtic laws.

A mass of material which has proved of incalculable use for the study of ancient laws and institutions Anthropological researches. has been supplied by modern anthropological and sociological researches. The Science of Sociology owed its origin to Comte, but it took definite shape only in the hands of Herbert Spencer who studied social institutions from the evolutionary standpoint. To him social institutions, like the vegetable and animal life, were subject to the fundamental laws of evolution. This thesis Spencer established in his great work, the *Principles of Sociology*. And he laid the foundation of a much more exact and scientific study of primitive institutions by the undertaking, which was started under his supervision in the first instance, of a Descriptive Sociology or an account of the institutions amongst the backward races of the world by first-hand investigation. This work has since been followed in a very comprehensive manner, and we have, at the present moment, a large mass of material with reference to the customs and usages of a great many backward races of Africa, America, India, Arabia, Australasia and elsewhere.

These studies of the institutions of retarded races have the greatest value for the study of the evolution of Law;

because these often represent the earlier stages in the social history of the advanced races. We must not make the mistake however of assuming that these races as they stand at the present day represent the absolutely primitive man. They also have had a history of thousands of years, in the course of which their customs and usages have also been modified, though the changes have been far less pronounced than the changes amongst the advanced races. So the mere fact that we find institutions amongst a race who are in a very backward state of civilisation does not necessarily imply that the institution was an absolutely primitive one. We have to recollect that these institutions as we now have them amongst the savage races represent the result of evolution for thousands of years in their own way. Studied with this precaution in mind, these institutions are likely to throw a considerable amount of light upon the primitive history of legal institutions among advanced races.

CHAPTER II.

Section I.—METHOD OF STUDY.

In dealing with ancient laws and the customs and usages of retarded races it is of the utmost importance to have a clear idea of the method to be followed in studying them. So far as systems of law are concerned, they have to be studied in the order of their evolution. For such a study it is very important to have a clear idea of the chronology of the documents in which those laws are found. At the same time it must not be understood that the chronology of such works, even when well understood, is necessarily identical with the history of the evolution of the laws. Ihering in his *Spirit of Roman Law* gives a very necessary warning against being misled by the mere sequence of the legal works into assuming that they necessarily embody legal institutions in the order of their evolution. Early *Rechtssätze* (expressions of law), he says, are like the first attempts of people to draw ; their imperfection arises from two circumstances : (1) defects in powers of observation, (2) defects in powers of expression. Ancient laws often omit to state rules of law, not because those rules were not in fact in force in those times, but because either from over-familiarity with them contemporary legislators failed to notice their existence, or they took them for granted and did not think it necessary to mention them. Apart from this, the ancients did not always succeed in giving full expression to the law that they actually found in existence and wanted to express. Sometimes their expression of the law was too wide and, by omitting to state the necessary qualifications of the rule, included things which

Chronology of Ancient law books. Its importance and weight.

they did not contemplate, and at other times the exposition was too narrow and did not include many things which they actually wanted to include. The difference necessitated the growth of a law of interpretation. The early interpreters of law, once it had been imposed in a satisfactory form of words, would not have the liberty of changing the words as a modern legislature has. At the same time where they found the words actually embodying a law which was at variance with the actual law, they purported to interpret the law so that it should have the exact meaning that it was desired to have. The early expressions of law also suffer from another serious defect, namely, that the lawgivers very often lay down, not what is the actual law, but what they want to be the law. In other words they are prompted by a desire to improve the society on the lines of their ideals though the ideal might not have been immediately realised in society and sometimes was never realised at all.

The result of all these circumstances is that the early statements of law give an imperfect idea of the actual law of the time. The historical student of law has therefore to examine these early codes of law very critically, so that they may arrive at a correct appreciation of the right laws of any time.

In studying ancient systems of law, as well as the institutions and custom of retarded races one meets very often with similarities not only in institutions and customs but also, sometimes, in the course of their evolution. These similarities form in fact the particular material on which the sciences of Anthropology and Sociological Jurisprudence are based.

These similarities very often arise from imitation or borrowing. The results of anthropological researches have shown most astounding instances of borrowing as between races apparently vary far from one another. But it must not be supposed that, in every case, a similarity of laws and institutions or history

Precautions to be taken in the study of ancient laws.

Similarities in laws and customs of different races

do not necessarily imply borrowing.

necessarily indicates borrowing. There was too great a tendency in the last century to regard all cases of similarities as cases of borrowing or conscious imitation. Anthropology, since then, has proved that very similar institutions and practices can arise and have actually arisen, quite independently in entirely distinct societies of men. The foundation of this fact lies in the essential similarity of human nature. All men are more or less prompted by certain common natural desires, emotions and volitional tendencies. Society like every other human institution, originates in the effort of the human mind to satisfy these natural cravings. It very often happens that there are very few possible modes of satisfying these wants and, if two human societies, limited in the choice of the methods of satisfying their wants, sometimes stumble upon the same identical device for satisfying that want; it is not a fact to be wondered at. Therefore, similarities may arise not only from imitation or borrowing, but also by way of spontaneous evolution from very natural impulses. This fact will have to be constantly borne in mind by the student of comparative historical jurisprudence. It may be laid down as a safe rule for such a student that where an institution or a law can be explained as having its origin in spontaneous evolution it would be rash to imagine that there has been a borrowing of anything from other societies. It is only when the evidence of such borrowing is clear or such phenomena cannot be explained on the hypothesis of spontaneous evolution, that a theory of borrowing can be justified.

In studying ancient and primitive law we must remember that law is at no time self-sufficient. It is only one part of the total body of rules of conduct affecting men in the society in which it prevails. To get a correct appreciation of the real position and effect of any provision of ancient law, therefore, we have very often to take it along with the entire life of the people. Thus, one would get an altogether erroneous view of

Ancient law and
Ancient society.

the position of the father in ancient Rome, or for that matter in ancient India, if one proceeded solely on the basis of the provisions in the law proper without taking into consideration, in Rome for instance, of the *Fas* of the *Boni mores*. So also in other cases, underneath everything that is said in law, there are a great many silent presuppositions which were understood by contemporaries but which are not necessarily laid down in the laws. The historical student of law, in order to be quite accurate, has to get as correct an appreciation as possible of these underlying presuppositions of the laws of the society he is studying. Conclusions based upon the laws alone without taking adequate account of these underlying presuppositions of the laws are likely to lead to wholly erroneous conclusions. It is, no doubt, very difficult to get a perfectly accurate idea of these ancient social concepts and institutions which will supply the necessary corrective to the law. But by a study of these ancient laws on the comparative method and by bringing to the aid of this study all that is known of ancient social history and of the social evolution of primitive or retarded races, it is often possible at the present day to arrive at a fair idea of the background of social institutions against which we have to place the laws in order to get them in their true perspective. Very often the true motive underlying an institution which remains unexplained in one society will be found to be supplied by the laws of another society or by customs, institutions and ideas of a retarded race of the present day. But we must remember that so long as we cannot have a really correct idea of the ancient society whose laws we are studying, our conclusions with regard to the evolution of that law must be considered tentative.

Another precaution which it is absolutely necessary to bear in mind is that we must not attempt to construct too hastily a common course of evolution of the laws of the whole world.

The evolution of law not uniform everywhere.

Human society has not progressed all over on the same lines.

There have been widely varying institutions to start with, and institutions have often progressed along widely different lines in different communities. It is not possible therefore to do now what Maine attempted to do, at any rate, in his earliest work, and others have attempted to do in other connections,¹ namely, to construct a single course of evolution for all human institutions of primitive times. There have been different lines of progress. Generalising from those various lines of evolution must land us in more or less abstract theories for which it will be difficult to find counterparts in facts.

Though generalisation on such a wide scale must be considered very risky, within narrower limits such generalisation may be attempted with greater confidence. For it is possible, to class-

Great groups of the human race.

ify the human race into certain large groups within which social evolution has been more or less similar, and the evolution has been prompted by more or less similar underlying ideas and principles. Anthropology has assisted very greatly in giving us a correct notion of these groups of the human race. But the credit for first arriving at a scientific grouping of the human race belongs to Comparative Philology. The great work started by Bopp and followed by a long list of scholars went to establish the unity of the Indo-Germanic race. Though the exaggerated conclusions with regard to the Aryan race and its history have had to be corrected in the light of Anthropological researches, the existence of an Indo-Germanic race with a fundamental cultural identity to start with cannot be questioned. Similarly there is a fundamental cultural unity amongst the great Semitic races, as also amongst the Mongolian races. No doubt our conclusions even with regard to these families of human race have to be corrected by reference to Anthropology. Yet in studying the social

¹ For instance McLennan in *Primitive Marriage*, Fustel de Coulanges in *The Ancient City*, and also to some extent Kohler in *Philosophy of Law*.

and legal histories of these races, we are on much surer ground when we generalise, than when we dogmatise about one general course of evolution of the laws and institutions of the whole human race.

Section II.—FORMS OF LAWS.

At the present day we find laws mostly embodied in written documents whether they are codes, books of case-law or scientific treatises on law. To some extent also laws are found embodied in customs and usages. But in ancient times, the forms of law were not identical with those of the laws of the present day. Maine in his *Ancient Law* develops a theory of the evolution of the forms of law. According to him, general propositions

• Maine's theory of the evolution of forms of law.

of law are later than specific decisions on particular points. The oldest form of law in the world according to him is represented in the Themistes referred to by Homer. These

Themistes.

are really decisions or judgments given on particular cases brought before the chief for decision, the judgment being supposed in every instance to have been derived by direct inspiration from the Gods. These Themistes however by repetition developed into more or less general rules of rudimentary custom which is also expressed by the Homeric term

Dike.

Dike. So long as society was organised on a monarchical basis, the form of law was always of this type and every law was supposed to be the result of a direct inspiration of the King. Monarchs however were everywhere superseded in course of time by aristocracies of some sort. The remarkable pre-eminence of the Chief which alone maintained the authority of the absolute chieftain did not generally continue in his successors, and, naturally, the authority of weak and incapable chiefs tended to grow less and less. They were therefore supplanted by aristocracy everywhere in ancient society.

There were various forms of aristocracy. In some, as in Sparta or India the form of monarchy was retained but the real power passed from the hands of the King to a body of men who by reason of their descent and their power claimed to dominate the state. In others again as in Athens or Rome even the semblance of monarchy was dispensed with and the authority vested formally as well as really in the aristocrats themselves. In some places the aristocracy consisted of military classes, in others it was chiefly of the spiritual or intellectual classes. But everywhere the authority passed from the King to a privileged class. This change corresponded, according to Maine, to a change in the nature of law. The aristocrats or the class in whom the authority in respect of laws now vested could not claim the same direct inspiration which it was possible for the sacred person, the King, to claim. The progress of society likewise had made it impossible to sustain the theory of direct inspiration, as, by this time, laws had come to be understood as more or less general rules. These aristocrats therefore claimed, not a direct inspiration from the Gods, but a monopoly of the traditional knowledge of the laws which was handed down in their families from generation to generation. This therefore is the second stage in the evolution of the forms of law namely the age of customary law. In course of time however this stage is

Codes.

replaced by the third stage, that of the Codes. Most civilised ancient societies, at some stage or other of their evolution, had their codes. The causes which led to the writing out of the customary law, which was all that these ancient codes purported to be, were various. In most cases the laws were recorded for the purpose of assisting the memory of the aristocratic law-givers and were maintained as manuals in use in their schools. But in Rome, and possibly in some other places, the code was the result of the rise of democracy. The people wanted to know the law and insisted upon those laws being inscribed in a more or less public form. The Code

did so in Rome, but not in ancient India, where the first codes were really manuals for use of the learned men who laid down the law and for the instruction of their pupils. Maine however notices one common factor among the reasons which led to the evolution of codes in different places, namely, the spread of the art of writing. The codes according to him always came into existence when the art of writing became familiar to the people.

When once the codes were formulated, the further spontaneous development of law ceased. It no longer developed of itself, it was deliberately changed and developed. The processes by which the further development of law takes place according to Maine are Fiction, Equity and Legislation. These three processes were utilised one after another in course of the gradual evolution of laws.

By fiction Maine understands the change made in the law laid down in the written code under cover of the assumption that it is not being changed but only applied in specific cases. The most notable instance of fiction in the history of law is the fiction of interpretation. In Rome as well as in India this fiction was carried to a very high degree of subtlety by a body of jurists, who were not vested with any legislative or judicial authority, but whose opinions gained currency by reason of the eminence and learning of the persons laying down the law. In England the same thing has been done from the reign of Edward I, but not by the same agency. Law has been authoritatively laid down by English courts in judicial decisions in which they purported merely to interpret the old law, but, in point of fact, laid down new law which was considered to be binding on all courts of equal or inferior jurisdiction. Students of law are all familiar with the idea of the development of law by means of the fiction of interpretation in English case-law, the Roman *Responsa Prudentum* and the commentaries and *Nibandhas* of Hindu Law.

Fiction is replaced gradually in Roman Law by another principle, namely, Equity. In England also the same agency was availed of by the Chancellors for the purpose of ameliorating the Law. In Rome the prætor purported to ameliorate the law in the course of its administration by an appeal to the 'Law of Nature or Equity which was supposed to be a principle of universal application with inherent power to override the written Law. This principle of a natural justice having claims to remove the imperfection of the common or civil law does not appear to have been very much utilised elsewhere. But Maine believes that it was a necessary step in the progress from fiction to legislation. The characteristic of Equity as an instrument for the improvement of law lies in this that its interference with the previous law is express and avowed, whereas in fiction it is not so. The basis of the authority of the new law is supposed to be a principle of higher worth, superior to the authority of the existing laws. While in legislation the authority of the new law arises not from the inherent nature of the principle but from the authority of the agency laying down the law. •

Legislation stands for the comparatively late method of laying down the law by the authority of the sovereign. While ancient codes were merely declaratory of the customary law, the legislation of later days involved the introduction of new law which added to or superseded the old law by a deliberate act of the Sovereign. This weapon is not found to be used for the changing of the law until the society gets used to the idea that law is changeable, by the application of the other principles.

This course of evolution laid down by Maine cannot be accepted as entirely correct even in the case of Greece and Rome and does not certainly represent the course of history everywhere. Maine's fundamental error in formulating this theory seems to lie in his failure to recognise that early Law

Criticism of Maine's theory. Religious law existed before Civil law.

is an integral part of religion.¹ In the very early days of society law is nowhere found dissociated from religion which, with its own ideas of right and wrong already held the ground before law as such came into existence. The religious law had an organisation for enforcing, supporting and explaining it. When, at a later date, the jurist's law first came into existence, it was this organisation which took charge of it. Thus in the Greece of Homer, the king was the chief of religion as well as of the military organisation. It was nothing unusual therefore that when a question of right and wrong arose, these people brought it before the king for adjudication. Under similar circumstances in the India of the Vedic age, people would go, not to the king but more readily to the Parishad² which laid down the religious Law for the people. While therefore the roots of adjudication and Law in Greece might lead us back to the Themis of the King, in India it would lead us back to a body of men who had made the pursuit of learning their vocation in life, and who constituted the Assembly or Parishad who were already judges of the religious life of the people.

To me it seems altogether erroneous to assume that adjudication could have preceded Law unless you take Law in a very narrow sense. That a dispute is brought before any body for adjudication or the determination of the justice of the thing implies that people have already got an idea of justice in human relations and it is that justice or Dharma which they want to enforce by means of the adjudication. Even before the first adjudication, therefore, there must have existed a conception of a rule of

Adjudication presupposes a basis of rules of justice.

¹ Fustel de Coulanges in his *Ancient City* emphasises the importance of religion and religious laws in primitive and ancient society. There is room for suspicion that the importance of religion in the constitution and evolution of Greek, Roman and Indian societies has been exaggerated by him. But the general thesis that religion underlies most ancient laws and institutions cannot be gainsaid. Maine himself refers to the religious character of ancient law in his *Early Law and Custom*.

² On the constitution and history of the Parishad, see Sen Gupta: *Sources of Law and Society in Ancient India* (Calcutta University).

justice which was at that time supplied by *Fas* or *Dharma* or *Rita*. In course of time, as adjudication develops, these rules of justice tend to become more and more crystallised, diversified and defined till they lead, in some places, to the separation of law from a general code of right founded on religion.¹

Adjudication is so far from being the primary fact in jurisprudence that it has itself got a history behind it. Long before there was any possibility for adjudication, people used to right their wrongs by self-help. Their ideas of justice were rudimentary and they were more guided by the desire for revenge than by anything else. In seeking to right one's wrong by self-help a man in primitive society could get the support of his family and clan. But so soon as self-help becomes something other than remedy by one's own effort, so soon, in fact, as you have to get other people, whether in your family or in your clan, to identify themselves with you in seeking redress, you have to step beyond the bare principle of revenge. It would not now be enough that you feel a desire to do somebody an injury, but there must be circumstances in the case which, in the opinion of your family or your clan, justifies your seeking to injure your enemy. It is from this that a rudimentary idea of justice may be said to grow. That reprisal is just which would induce your family or clansmen to join in seeking vengeance with you. This rudimentary conception of justice becomes crystallised in many communities in the law of justified revenge which is known as the *Lex talionis* or the law of retaliation. In the Twelve-Tables we find it provided that if a limb is broken or blood flows there may be retaliation. This corresponds to the Law of the Old Testament which provides "an eye for an eye and a tooth for a tooth." This law, cruel as it seems to us, represents a notable advance

¹ Leist, *Altarisches Jus Gentium*, p. 111, *et seq.*, speaks of a *Rita* (*ratio, φρόνις*) stage of customary law preceding the *Dharma* (*Themis, fas*) stage of law. Although I cannot accept the theory in the clear-cut shape in which it is presented, there is a great truth underlying this proposition.

on the primitive instinct of vengeance, because the revenge is not now merely a private instinct; it is regulated by some rule and some measure, however rudimentary. The stages by which this justified reprisal gradually developed through the intermediate stages of voluntary arbitration to adjudication by public judges like the king or the prætor are matters which will have to be dealt with later on.¹ But it is perfectly clear that long before any adjudication could arise and any juridical law could be said to exist, there already existed a standard of right and wrong which was supported by the opinion of the community and which might be enforced with the aid of the community. The tribunal which adjudicates on disputes takes different shapes in different communities; but it always adjudicates on the basis of a more or less vague notion of justified reprisal. The constitution of the tribunal differs in different parts of the world. The motives underlying the interference of the head or heads of the social organisation in private disputes were also apparently different in different communities. And it is not possible to lay down one definite course for the whole human race in respect of the origin and early history of adjudication and law.

The law which was administered by these primitive tribunals was also different in different communities. But whatever it might have been it always proceeded on the basis of a certain body of rules of right believed to have a religious and supernatural sanction. It is hard to conceive that society at any time could have been without customary rules or that it should have arrived at a formulation of the rules only by generalisation from individual dooms. A theory like this labours under the serious defect that it fails to recognise the fact that before the lawyer's law there always existed the law of the priest. The roots of law have to be sought in the *Fas* and the *Dharma*.

The law administered based on supernatural sanction.

¹ See post, Chapter VIII.

and further back in the *Rita* or *ratio*, at any rate amongst the Aryan races.

Customary law precedes adjudication by King in primitive Aryan Society.

Maine's theories about transition from Dike to custom must also be corrected by the same qualification that it is not a universal law of evolution. Whatever may be said about the course of evolution in Greece or Rome it is perfectly clear that in India and, possibly, amongst the original Indo-Germanic race there never was that absolute autocratic stage which would make the stage of Themis or Dike possible. From the earliest traces that we can get of the social organisation of an Aryan race we gather that they were not governed by a king, but by a group of men, like the star-gazers described by Berosius with reference to the Kassites, who devoted themselves to the knowledge of superhuman things. We find their descendants in the later political organisation in the Magi of Persia, the Brahmins of India, the Druids and other priests of the Celtic and Teutonic races and other similar institutions. From the very earliest times the authority in society seems to have been vested in Aryan societies in such a body of men who administered the Law which they were supposed to derive from beatific vision or from tradition. This tradition represented the custom of the school of learned men and became embodied, later, in the early codes of India. So that the aristocracy seems to have been administering the law of custom and tradition from the earliest times that we can imagine amongst the Aryan races.

NOTE ON THE ORIGIN OF CUSTOM.

The origin of custom in primitive society has formed the subject of keen controversy. Tarde is of opinion that the greater part of the laws and institutions of people originated in imitation following upon invention. "Speaking, praying, working, fighting, doing whatever sort of work," says he, "involves repeating what one has learnt from one

who has acquired from some one else. And so one after another back to the first framers of each word-root * * * back to the few authors of each form of rites, of each method of labour, of each mode of war, fencing boots, strategic ruses which pass from man to man, more or less prolonged." "I do not say," he continues, "that imitation is all of social reality, it is but one expression of sympathy which antedates it and which it intensifies in expressing, and it depends upon invention, the spark from which it is only the greater light."¹ This may be illustrated by reference to the growth of language. We speak the language which we have learnt partly from our parents and partly from others, which has, in fact been passed on to us from our predecessors. So also marriage customs and other rituals, and, in fact, every social institution may be shown to be evolved by imitation of others. At the same time, as Tarde intimates, imitation is not all of social reality. There is continuous invention on the part of man. An invention is imitated and often forms the root of a convention. Further, besides imitation there exists another principle, which Tarde calls Logic or the application of reason. Illustration of logical development may be found not only in the case of developed societies and institutions but also in primitive and ancient communities. When you notice a sportsman handling his bat in a particular way, you try to imitate him. But you not only imitate, you also apply your reason to decide why that particular stroke is more effective than any other. Suppose you arrive at the conclusion rightly or wrongly, that it is the swing of the bat which gives a greater force to the ball and makes the stroke more effective. You at once arrive at a principle, which you apply in other cases, as when you are handling a Tennis racket. When the primitive man applies his reason to institutions which he imitates, he does not exactly reason as we do, in terms of the developed conceptions and

¹ *Les Transformations de Droit* translated, in Kocourek and Wigmore, *Primitive and Ancient Legal Institutions*, p. 46.

highly cultivated reason of to-day but on the basis of conceptions and conventions of his day and in accordance with the modes of arguments with which he is familiar. But reasoning of some sort is operative as a social force throughout.

While thus there is a great deal of justice in Tarde's theory, there is room for saying that Tarde perhaps exaggerates, to some extent, the influence of imitation and makes comparatively small allowance for spontaneous evolution and he does not expressly recognise the fact that imitation is in many cases founded upon Logic. This is notably so in the case of primitive social institutions. Let us consider the ritual of marriage, for instance. The ritual of to-day is the result of a long course of evolution, in the course of which it has brought together a number of different rites and built them up into the complicated ceremony of to-day. In its origin, the ritual was probably founded upon the imitation of the words and acts of some one person. But why was that act or word imitated? The reason was that primitive man believed very much in supernatural influences and the efficiency of magic in dealing with such influences.¹ When therefore a man successfully went through a transaction, whose nature people did not exactly understand, without incurring any one of its supposed dangers, his neighbours would place the credit of his success with something done by him or some words uttered by him. It is because they thought that his words and acts had such magic influence that they repeated them when they themselves wanted to go through the same dangerous transaction. If the trick succeeded in other cases, it became gradually established as a customary ritual. In these cases, therefore, the imitation is not imitation pure and simple, but imitation prompted by Logic. In point of fact it would be very difficult to conceive of cases of imitation which was conscious, without conceding some part in it to logic. In unconscious imitation, on the other hand, which forms a great

¹ Crawley, *The Mystic Rose*.

part of the daily life of man, the element of logic is entirely absent.

Imitation or borrowing from the institutions of races and communities other than one's own is really an extension of this primary instinct of imitation. We must not suppose that ancient peoples were very prone to imitate from their neighbours. On the contrary they had a very strong sense of the sanctity of their own customs and usages and were hardly likely to give up their own customs in favour of a foreign one. But circumstances occur in which the choice is more or less forced on them. When a people find themselves placed in an environment for which their time-honoured laws and customs are not suited and social and economic needs press upon the community they are found to seek satisfaction of their necessities by following the example of their neighbours. It is not a very simple process. We do not know the exact circumstances under which any community got over its primary prejudice against customs and usages of alien races and adopted or adapted such foreign customs. Some very strong reasons of convenience must always have existed. But in very early times, mere convenience would hardly tell in favour of a custom unless it could be coupled somehow with argument from magic.

Magic has played a very important part in social evolution. It has led to developments in laws and institutions in a very startling manner. Ancient and retarded races conceive their lives to be surrounded by a considerable amount of danger from supernatural forces. Every important and unimportant act in this view might involve consequences that might prove serious, as a result of supernatural forces let loose by that act. But such evils might be counteracted by magic and there is a tendency to look upon every trifling act as having more or less magical influence. In this way there are developed in the course of time elaborate codes of ritual and ceremonial which embrace eventually every little act of everyday life.

Primitive logic was founded mostly upon this magic. When the thing was done for a particular purpose there was a tendency to attach a magical effect to it. The extension of the same magic to other similar institutions or acts was the chief function of this logic. Thus a particular act may have been originally prompted by a natural desire or some consideration of convenience. But a magic effect is attached to the act when it has become established in custom and people of a later day try to elaborate that magic and extend it to other similar acts in which there is neither the original motive nor any consideration of convenience.

CHAPTER III

PRIMITIVE AND ANCIENT SOCIAL ORGANISATION

Before we can expect to get anything like a complete idea of ancient laws it is necessary to have a correct notion of the society in which those laws existed. Social organisation is perhaps the most important factor in the history of ancient law.

Primitive society as distinguished from modern society is racial as opposed to national. Modern society is organised in states or political units of society which constitute nations. We might say that the modern national society is on the way to becoming international. And, already we may find in the organisation, for example, of the British Empire, consisting of so many countries and nations living wide apart from one another, a society which has out-stripped the limits of national organisation. But that is another story. As distinguished from societies of the past, modern society is national. The basis of communion between the members of modern society is—living in the same country, governed by the same political authority. On the contrary ancient social organisation did not take account of contiguity in space or community of allegiance but proceeded almost entirely on the basis of race, that is, descent from common ancestors, real or fictitious.

The germ of the race therefore is to be found in the family and one might almost say that primitive society is family.

Race is family writ large.

From the family developed by a course of natural expansion the clan or *sippe gens*. All these, as well as similar organisations based on matrilinear kinships¹ are only expansions of the family. The members of a clan are all supposed to be descended from a common ancestor and it is this tie of blood that constitutes relationship and racial and social affinity. One remarkable evidence of this circumstance is furnished by the fact that, in primitive society, all clansmen are called by their relational names and not by their proper ones.

Maine supposes that the primitive or ancient state is in the same manner a result of the further expansion of the family. The family expands into the *gens*, the *gens* into the *tribe* and the *tribe* into the *state*, which in ancient times consists of men, all of whom are supposed to be descended from a common ancestor. This theory however is only partially correct. The tribal organisation and the organisation into states involves the operation of a principle different from that of common descent. That is military principle.² The tribe is the clan or group of clans organised for military purposes under the authority of a chieftain who becomes, later on, the king of the ancient state. The basis of the organisation is military necessity and convenience and, although the material for the organisation is furnished primarily by the clan, we find that military exigencies very often lead to the inclusion of non-clansmen within the tribal or the state organisation. Altogether there seems to be little doubt that, as pointed out by Ihering, while the clan was developed by the natural expansion of the family, with the principle of cohesion furnished by kinship, the tribe and the state were moulded and given their form by the military principle. The chief of the tribe as well as the king of the primitive state is

¹ Some Anthropologists are inclined to use the term 'clan' to signify matrilinear clans only. That can only lead to confusion of language. For no convention is likely to change the name of the clans of the Highlands.

² Ihering : *Geist der Römischen Rechts*, Vol. I, p. 245 et seq.

only the military captain and he owes his pre-eminence to his personal prowess and capacity for military organisation.

When the state has outlived the period of external strife and continues in more or less peaceful times the organisation of society finds placed at its head a man who concentrates in his hands, in the highest degree, the physical strength in the state. There is now a tendency for all power in the state to gravitate towards him. Military necessity makes it obligatory to impose restriction upon the liberty of individuals for the purpose of maintaining peace and order amongst the fighters. By reason of the necessity for maintaining peace and order within the state in times of peace, the king gradually becomes the judge. We find him the administrator of all affairs of the state. And as a person, he towers above every individual and every institution. It is in this way that the state is gradually established. In spite of this, however, the tie which unites the different members of the state is supposed to be common descent. Men are not Romans or Athenians or Spartans by reason of their being born of the soil of Rome, Athens or Sparta, nor by reason of their habitual residence in those cities, but by reason of their actual or supposed descent from the founder or founders of the cities. These ancient states are therefore primarily aggregations of kinsmen or blood relations, qualified by the circumstance that many persons who were not of the kindred had been adopted into the society, either as individuals or by clans.

In most places we find that as a result of this a duality grows up in the constitution of each ancient state. The Roman, that is, the Patrician, is the person who has the full status of the Roman citizen with the full rights both in private and in public Law (*cives optimojure*). But we find that there is also a large population of persons who are not entitled to those privileges although they live in the city. The Plebeians, in early times, the Peregrins or the Dediticii were not, strictly speaking, members of the state,

Similarly in India we find that the Aryas are the only classes who are supposed to constitute the state and in whom alone the Laws are interested; while the Sudras, and, still less, the Antyajas, who live in the same state, are not supposed to participate in the laws of institutions of the state. This condition of affairs arises from two classes of circumstances; either the ruling class has come and settled down in a locality where the native population is immediately reduced to a position of subordination and, possibly, servitude; or the inferior class have gradually come and settled in the city founded by the superior class either for support and protection or for purposes of trade or otherwise. When this subordinate population grows in importance and attempts to establish its rights on a footing of equality with the higher classes they can only take their stand upon a principle of social organisation, different from kinship, namely, local contiguity. The Plebeians of Rome asserted their rights in this way and laid the foundation for the development, in course of time, of local contiguity as the principle of social organisation. This principle, strengthened still further by the sway of feudalism in Europe now holds the ground as the only principle of social organisation in civilised states. No doubt there is still a certain element of hereditary or racial connection in the organisation of men in a state. The Frenchman is not only the man who lives in France but one who is, generally speaking, descended from a Frenchman. As I have observed however, the principle of race as binding together the members of a state is gradually giving way before the wider conception of internationalism.

CHAPTER IV.

FAMILY AND KINDRED¹

The family is the pivot of ancient society. The clan and the other units of society are expansions of or organisations growing out of the family. The nature of the social organisations depends, in a very great measure, upon the character and the organisation of the family. Besides, almost everywhere in a primitive society we find that the family is an *imperium in imperio*—a sort of miniature state within the state. The head of the family, whoever he is, is the absolute master in respect of affairs which concern the family alone, the state interfering only in affairs affecting different families. In Rome this authority of the head of the family was manifested in a superlative form. The head of the family, the husband or householder is the absolute master over his wife and children under *potestas* and over his slaves, so much so, that he has the *jus vitæ et nescis* and complete power over the properties acquired by the members of the family. There are scholars who look upon this as the result of a line of development from the primitive father-right which, according to them, was not so exaggerated in its earliest form. But elsewhere also we have this *jus vitæ et nescis* and the property of the father over the acquisitions of wives, children and slaves.² It is quite clear that, at any rate amongst most, if not all, ancient and primitive societies the family was the final authority in deciding disputes between members of the family and anything happening within the family, which did not affect any other family, was a purely domestic matter in which the authorities of the State have no right of interference.

¹ Read, Maine, *Ancient Law*, Chapter V.

² In Hindu Law for instance Vasitha, speaks of the parents having the right to sell, give or mortgage sons. Sunahsepa is sold by his father to be sacrificed. In most countries the father had the right to expose the child—notably the female child—Yinogra. *Selt, Historical Jurisprudence*, p. 224.

We shall therefore discuss the constitution and organisation of the family in ancient and primitive systems of Law. With regard to organisation, families may be divided into three classes,

Classes of families :
Patriarchal.

the Patriarchal and the so-called Matriarchal and the Totemic families. In the first, the headship belongs to the father and it consists of the father, his wife or wives and the descendants of the husband and wife. This family expands along the lines of agnatic kinship; or, in others words, kinship is counted through males only and not through females. The clan or gens which develops out of this family is a group of families or kindred who are related to one another through males alone. Maine points out that the foundation for this agnation or relationship through males is to be found in the *Patria Potestas* so that the agnates are those relations who would have lived under the same paternal authority or within the same family organisation if their common ancestor had been alive.

The so-called Matriarchal families on the other hand are groups which form round the mother. The Matriarchal family stock of the family, is the mother and the family consists of sons and daughters of the mother and sons and daughters of the daughters. The sons and daughters of the males of the family have no place in a strictly matrilinear system. The women do not go and live with their husband in the husband's house. They live with the mother even when they are mated and the children to whom they give birth are members of the mother's family. In a society of this character the development of the wider groups naturally takes place along the lines of matrilinear kinship; that is to say, people are considered as related to one another who are descended from a common female ancestor through females only. The son or daughter of a male member of the family is not a member of the family, because his mother lives in her mother's house and only receives her husbands there; and the children would be born in their mother's family. In most cases, however, we find that the

family is not matriarchal, strictly speaking, because the stock of the family, the mother, though she usually holds a position of greater honour and authority in the family than a patriarchal *materfamilias* is not the real head of the family. The headship very generally belongs to her brother or nearest male kindred. But the family is matricentric and the kinship which arises out of this family organisation is matrilinear.¹

Differences founded
on different views of
marital relations.

The root of the difference between the two systems consists in the different ideas with regard to marital relations. In the patriarchal society marriage is considered as a union, more or less permanent, between one male and one or more females, with the result that the woman is taken out of her father's family and authority and comes under the authority of the husband. Marital union in the matriarchal family on the other hand consists of a relationship between men and women which involves no change of kindred on the part of the woman, no change of the authority over her and hardly any outstanding obligations between the man and the woman such as we have in the patriarchal society. Such marital union may be polyandrous or monandrous. Of the polyandrous form we have an illustration amongst the Nairs of Malabar; of the monandrous, the typical illustration is to be found in the *beena* type of marriage.² In the patriarchal marriage there is always involved, in a more or

¹ In most matrilinear societies this strict scheme of kinship has been more or less modified by the inclusion of the children of males in the kindred. They are families therefore of a mixed type, just as most actual instances of patriarchal societies show a more or less liberal admission of cognates to the kindred. The *beena* type of marriage prevailing in societies which are otherwise patriarchal is an indication of the mixing up of a patriarchal with a matriarchal institution. (Vinogradoff, *op. cit.*, p. 195.)

² *Beena*, properly speaking, is the name of a form of marriage prevalent amongst the Sinhalese in Ceylon. In it the daughter lives in the father's house where she is visited by her husband. Her children become her father's kinsmen. But the term *beena* marriage was extended by Morgan as a technical term to imply all marriages of this type in which the husband visited the wife and it has been used in that sense by others, notably by Robertson-Smith (*Kinship and Marriage*, p. 87). It is to be noted

less pronounced form, the idea of ownership or authority over the wife and it is this notion of authority which sticks to the relation to the last. It is entirely different with marital relationship in matriarchal societies.

Since the middle of the last century the question as to the relative position of these two types of marital union and family organisation, in the order of evolution of society has been the subject of acute controversy between different schools of sociologists and legal historians. A school of thinkers including McLennan, Morgan, Fustel de Coulanges, Kohler and others have maintained that the matricentric family is the prior of the two types of family-organisations. Before the proprietary or patriarchal form of marriage was evolved, the marital union took place on the lines of polyandrous union of the Nair society which also was preceded, according to most of these writers by group marriage and promiscuity. In other words, humanity in its origin, knew nothing of any marriage bonds. Men and women had intercourse just as they pleased, without any restriction whatsoever. Gradually however the notion of temporary appropriation grew up, as sexual jealousy came in. In the effort to appropriate the women to themselves, men built up the proprietary form of marriage. So long as the sexual relations were promiscuous, and also during the period of qualified promiscuity, children naturally grouped round their mother; and thus the family-organisation belonging to this stage of society is naturally matriarchal. On the contrary, when the woman became the property of the man, the children of the woman, who were assets in primitive society,

that this is not a purely matriarchal institution, for the kinship of the *beena* wife and her children is with her *father* and not her mother. It is obvious that this was a variant of the matriarchal form in which the daughter would live with her *mother* and be kindred to her mother's kin. This type of marriage finds its analogues in the *Mahabharata* stories of the marriage of Arjuna with Ulûpi and Chitrângada. •

belonged by right to the owner of the woman. Thus, in this view, the patriarchal family with patrilinear kinship was a later growth.

On the contrary Maine insists that the primitive family was patriarchal, and of the type which is depicted in the Old Testament and in Homer's description of the Cyclops. From the evidence of the old Testament and that of social institutions of Romans, Hindus and Slavonians as well as from Homer's description of Cyclopean society, Maine concludes that "the effect of the evidence derived from comparative jurisprudence is to establish that view of the primeval condition of the human race which is known as the patriarchal theory."¹ He thus summarises the character of that system "Men are first seen distributed in perfectly isolated groups held together by obedience to the parent. Law is the parent's word."

Neither the patriarchal nor the matriarchal—the universal primitive type.

The evidence which has been brought forward of the matriarchal theory from all parts of the world makes it impossible to insist that the patriarchal society was the only possible type of primitive society. At the same time the theories put forward by those who insist on promiscuity followed by mother-right as the primitive type from which the patriarchal society was developed later on, cannot be sustained. As Westermarck² points out, there is no trace of the actual existence of promiscuity as a principle anywhere and at any time; it does not even exist in the animal world among the higher mammals; and amongst the apes, the hordes with the male as its leading member is already an established fact. Sexual jealousy finds its full play among the higher animals. It is not likely therefore that a condition of promiscuity could have been tolerated by the primitive man. The evidences

¹ Maine, *Ancient Law*.

² *History of Marriage*, 3rd Ed.

which have been brought forward in favour of the theory of promiscuity are chiefly, not cases of absolute promiscuity, but what are known as group marriages, which are of various kinds ; and, in many cases, these group marriages represent not so much actual marriages between groups as the range of possible marriage.¹

As the evidence now stands, it is not possible to say with any assurance either that primitive society was everywhere of the patriarchal type or that one type was derived from the other. Although we cannot thus go to the root of social institutions, we can notice that the form of social organisation everywhere is to some extent moulded by social and economic environments. The relative numbers of the two sexes, the physical and social surroundings of the community, the pressure of external enemies and such other circumstances are often found to make a particular form of social organisation the most suitable for the community. Thus where a community is constantly engaged in warfare, the males constantly have to live away from home, and women are left to themselves, mother-right finds a hospitable soil. Similarly, as illustrated in the case of the Nambudri Brahmins of Malabar, the paucity of females coupled with residence amongst a polyandrous community accounts for the adoption of polyandry and matriarchate by a people. The Nambudri Brahmins are undoubtedly of Aryan descent and the existence of patriarchal institutions amongst them is evidenced by the fact that the eldest son of a Nambudri always marries according to the Arya rite. The younger sons however have Sambandhams like all the other classes of people in Malabar. This was due to the fact that unless this was allowed, marriage would be an impossibility in the case of most Brahmins in the Malabar.

Form of marriage
and social organisation
moulded by environ-
ments.

¹ Vinogradoff : Historical Jurisprudence, Vol. I, p. 184.

The contention therefore seems to be justified that the particular form of family organisation and marriage which we find in vogue in any community is the result of the pressure of environments.

There may not have been one primitive type.

Under the pressure of one set of facts a particular society develops patriarchal institutions and patriarchal marriage. Under another set of circumstances another particular community develops matriarchal institutions. The possibilities of different forms of sexual union are not unlimited and may be looked upon as practically limited by the actual forms which we can study amongst ancient and primitive as well as modern races, including retarded races. Primitive man in different environments, under the pressure of different sets of circumstances adopted one or the other of these limited number of possibilities. The result was the formation of different types of society and social institutions some of which were patriarchal and others were matriarchal, some of which were monogamous and others were polygamous. It is not necessary to assume that all these variations must have proceeded from any common root or that any one of these forms must be looked upon as the primitive type from which the other forms may have been derived.

The intercourse between man and woman is, as we have seen, nowhere absolutely free and unrestricted. Amongst the savage races there are wide ranges of taboo excluding the possibility of intercourse between man and woman. It is only within a certain range of relations that intercourse is permissible and then only under more or less severe regulations. These marital relations are therefore regulated or placed under a system even amongst the most backward races, although there are races which permit polyandry and polygyny and even group marriages approaching promiscuity. It is out of these regulations of marital relationships in primitive society that the institution of marriage has arisen.

Marriage rules evolve out of primitive taboos.

I have drawn attention to the distinction between the two principal types of marital relations. In the matriarchal society whether polyandrous or otherwise, marriage creates comparatively few outstanding obligations as husband and wife. There are no obligations of the husbands nor any rights in respect of the children. In some such societies, as amongst some of the Bedouins, the husband and wife have a tent to themselves, in which they carry on a sort of a household. But generally speaking, the husband is more or less like a visitor and he certainly has no authority over the wife. This means that the wife has generally a greater measure of freedom in such societies than in patriarchal societies. But this does not necessarily imply that the woman is free from all control whatsoever. She is under control of her mother's kindred and generally, her mother's brother or her own brother and the control is sometimes quite as great as that of the husband or father in a patriarchal family. In the patriarchal society, on the other hand, the effect of marriage is profound. Generally speaking there is everywhere, in such societies, the idea of the appropriation of a woman, that is the making of the woman into one's own property. The woman, generally obtained from outside the family circle, is made into the exclusive property of the husband who, if not precisely entitled to exclusive intercourse with the woman, was, at any rate, entitled to regulate the entire life of the woman, including her relations with other men. This notion of property, or, to be more precise, authority over woman lies at the root of the entire marital relationship in patriarchal society where the husband becomes the master and is entitled to deal with the woman more or less as he is entitled to deal with his cattle or slaves. In the patriarchal society therefore marriage is always marriage of dominion and it always leads to the acquisition of an amount of authority over children, who are looked upon more or less as a property of the father. Even in patriarchal societies there

Differences in types of families due to differences in marriage form.

is a possibility not only for polygamy but also polyandry as in Tibet.

This marital relationship, maturing in course of time into marriage, lays the foundation for the family in patriarchal societies and lays down the lines along which kinship develops. On the contrary, kinship in matrilinear societies is independent of marital relations altogether. Patriarchal kinship is an expansion of the family; the kindred consist of those persons who would have been members of the family had their common ancestor been alive; the root of the family lies in the marriage relationship. The two systems of kinship therefore may be distinguished as the natural and the legal. In matrilinear kinship the relationship is based upon the physical fact of a common origin in the mother's womb, which is an obvious fact, while fatherhood which forms the foundation of the other sort of kinship is not an obvious natural fact nor perhaps known in very primitive society. In the primitive patriarchal societies the element of fatherhood need not have been readily recognised either. A man was the owner of the wife and therefore the owner of all the offspring of the wife. The association of paternity with actual procreation might well have been recognised much later.

Apart from this Matrilinear and Patrilinear kinship founded upon motherhood and fatherhood respectively, there is yet a third form of kinship and that is the Totemic kinship, which, as Vinogradoff says, "is neither entirely agnatic nor entirely cognatic, being based neither on appropriation nor purely on the household, but on a religious system," and he quotes the following description by Mathews¹ "In the Chau-an as well as in all the other tribes reported by me, in the Northern Territory, succession of the

¹ Quoted by Vinogradoff: *Historical Jurisprudence*, pp. 205 ff.

totems does not depend upon either the father or the mother, but is regulated by locality, and I shall now endeavour to describe how this is carried out. The folk-lore of these people is full of fabulous tales respecting the progenitors of every totem. Some of them were like the men and women of our own time, whilst others were mythologic creatures of aboriginal fairyland. In these olden days, as at present, the totemic ancestors consisted of families or groups of families, who had their recognised hunting-grounds in some part of the tribal territory. They were born in the specific locality, and occupied it by virtue of their birthright.

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“In all aboriginal tribes there is a deeply seated belief in the re-incarnation of their ancestors. The original stock of spirits, so to speak, perpetually undergo re-incarnation from one human being to another. The natives are quite ignorant of the natural facts of procreation, and believe that conception is altogether independent of sexual intercourse. When a woman for the first time feels the movement of the child in the womb, commonly called quickening, she takes particular notice of the spot where it occurred and reports it to the people present. It is believed that the spirit or soul of some deceased progenitors has just at that moment entered the woman's body. The entry may have been by way of some one of the natural openings, or through any part of the skin, the mode or place of ingress being immaterial to these ethereal beings. When the child is born it will have assigned to it the totemic name of the mythic ancestor belonging to the particular locality.”

Totemic connections belong now to only the most backward races of the world. Scholars ^{Synthetic kinship of modern civilisation.} have attempted to discover traces and survivals of totemism in the scheme of kinship of civilized races.¹ But leaving that apart, one may say that in civilised

¹ Thus Exogamy is considered to be a survival out of the Totemic notions of Kinship. (See Andrew Lang quoted in Kocourek and Wigmore *Primitive and Ancient Legal Institutions*, p. 216.)

society the only forms of kinship which may be said to have survived, are patrilinear and matrilinear. Generally speaking the scheme of kinship of civilized society consists now-a-days of a mixture of the two types or in a recognition of the claims of blood both through the father and through the mother. Civilized society has arrived at this synthetic form of kinship in very different ways in different societies. But everywhere in patriarchal societies the motive principle has been opposed to the authority of the father. As I have pointed out before, the agnatic kinship was based upon the fact of the family organisation being founded on a proprietary basis. Everywhere in civilized society this family of dominion gradually broke down and yielded place to the family, more or less of free association or a corporation. Along with this change the old idea of kinship founded upon this authority gradually yielded place to one of blood relationship, and once this was achieved, the blood of the mother gradually got into its own as a principle of almost equal efficacy with the blood of the father.

But although this was the motive force behind the change which came sooner or later in the different patriarchal societies, the change itself was historically accomplished under widely varying circumstances. In Roman Law cognation was recognised as the principle of kinship under the influence of the doctrine of the Law of Nature and introduced into the Roman legal system by the Edict of the Prætor. In India the result appears to have been arrived at by a circuitous process. The transition from the purely agnatic kinship to the cognatic kinship was effected through the instrumentality of the Putrika or the appointed daughter, who by a fiction of law was looked upon as a son and whose son also became son of the maternal grandfather and not of the father. We can see how, in the course of the history of Hindu Law, in time this institution of Putrika lost all formality and became transformed into the rule that daughter of a sonless man would practically take the place of the son. In other words the daughter's son

became recognised as kindred through the intermediate stage of the fiction of Putrika.¹ The extension of the same principle of kinship to collaterals, who were all daughter's sons of some member of the family was only a question of time. It is possible that the model for the Putrika was obtained by the Aryan of India from neighbouring matriarchal races, or races with modified matriarchal institutions, though the motive force behind the change was supplied by natural affection conditioned by changed social environments.

The same result was apparently arrived at in other societies in other ways. Thus Vinogradoff points out that offensive and defensive alliances between tribes may have laid the foundation of cognation in many societies. The exigencies of warfare may have made such alliances useful and marriage has been known all over the world as a device for cementing such alliances. After such marriage the two tribes no longer remain strangers to one another, but become kinsmen with the same obligations in respect of helping the kinsmen against enemies as the agnates.

The recognition of cognation meant the break-up of the patriarchal family and society. The family which would now include daughter's sons would no longer be the family held together by the Patria Potestas. The kindred would no longer consist of agnates alone but would include a large body of families related through females. It would naturally embrace a wider society than the old patriarchal society, the association with gods and institutions of different previously isolated social groups all brought together by a new principle of association, *viz.*, blood-relationship and natural affection.

This widening of the society frequently bore in it the seeds of the decay of the old family, the *imperium in imperio* dominated by the absolute

• Decay of the family.

¹ For a discussion of this proposition see an article in the *Man*, Vols. XXIV, pp. 32 and 42 by the present writer.

will of the house-father. We start with a stage of society in which the family is a unit of social organisation and in which the authority of the father is the only Law within the family, the state being concerned only with relations between families. In course of time we find this organisation breaking down under attacks from more than one direction. Thus, in the first place we find the state gradually making incursions into disputes between members of the family. In an early stage of Hindu Law, Gautama says that, as between father and son, husband and wife and preceptor and pupil, no litigation is possible. In other words this means that the state has no jurisdiction in disputes between members of the family. That was also the law elsewhere in Aryan society. But, even in Gautama, this restriction had ceased to have legal validity and Gautama himself recognises and, as we go on to the later history of Hindus, we find it increasingly recognised, that litigation is possible between husband and wife, the father and son, over a variety of topics affecting their personal and proprietary relations. A similar process is discernible in other Aryan societies.

Primitive Aryan society apparently consisted of families which had no adult children in it. All the indications in the Vedas taken along with the ritual literature point to the fact that early Aryan society consisted only of husband and wife and immature children.¹ Grown-up daughters were married into a different family and went out, and at an immature age. Children were sent out for instruction to the Guru with whom they lived till the instruction was completed. On coming back from the Guru the Arya got married and set up a house

Patria potestas developed in families without adult children.

¹ The text of the Rig Veda, X, 85, 46; *समाश्रित्य भव*, etc., Be mistress over the mother-in-law, etc., referred to by Vinogradoff, *op. cit.*, Vol. I, p. 262, does not indicate that the father-in-law, sister-in-law, etc., lived jointly with the husband. Although living in separate houses they formed a unit of society together. In the marriage ritual of the Rig Veda, X, 85, 33 and Atharva Veda, XIV, 28, 29 we find these relations coming to bless the new bride and then apparently going away. For a more detailed consideration of the joint family in ancient India see Appendix.

for himself, symbolised by the lighting of a sacred Grihya fire. Thus, grown-up sons also were not members of the father's household. In course of time however it seems that the grown-up son began to live with the father. This led to profound changes in the family Law.

The family Law which gave to the father absolutely autocratic powers and *Jus vitæ et nescis* belonged properly to the state of society in which the father lived with only very young children.

Disintegration of patria potestas with the growth of large families.

It was obviously unsuitable to the family of adult children and grand-children and great-grand-children perhaps. The anomaly of these powers could not but be felt in such a family. The result was a reaction which led to substantial changes in the family Law in the course of time. In Rome the law relating to the power of the father was not substantially altered, but we find that emancipation of sons has become a favourite in Roman society, quite early in their history. Besides the custom of giving Peculium, with practical independence, to sons largely obviated the necessity of alteration in the family law. The alteration did come however and it was represented by the recognition of the son's property right in Castrense and Quasi-Castrense Peculium. That was as far as Roman Law actually went.

In India the introduction of adult sons led to a three-fold development of the family Law. The elaborate treatment of partition of the family property among sons during the lifetime of the father which we find traceable so far back as the time of the Veda¹ indicated that such partition was fairly common when

(1) Separation of sons.

¹ In the tradition of Manu dividing his property among his sons. Taittiriya Samhita, III, 1, 9, 4, cited in Apastamba, Dharma Sutras, II, 14, 11. Such partitions were originally permissible only at the will of the father. Already in Gautama, however, we find it stated that sons did sometimes as a matter of fact compel unwilling fathers to partition the property, though this is referred to as an impious act. Gautama Dharma Sutra, XV, 19.

once the grown-up son became a member of the family.

(2) Separate properties of sons.

In the second place we find the son's right to separate self-acquired property becoming gradually recognised in early law. The gains

of war such as (*Sauryyadhanam*), the gains of learning (*Vidyadhanam*), the property of the wife (*Bharyyadhanam*), and the affectionate presents made by the father (*Pitriprasada*) are the first to be looked upon as the exclusive property of sons. In

course of time however we find other items of self-acquired property being regarded as the property of sons over which the father had no right of ownership, till ultimately the general principle is enunciated that whatever is acquired by a person by his own efforts without detriment to the family property belongs exclusively to the acquirer.¹ A third and more

(3) Development of son's co-ownership in father's property.

important way in which an inroad was made into the father's powers was the development

of the rights of sons in the joint family property. In the earliest stratum of the law we find the father as the master of the property in his hands. Then, apparently with the introduction of the adult sons, we find moral restraints introduced to prevent the alienation of such property by the father to the detriment of the sons. In other words the immovable property was coming to be recognised as a fund for the maintenance of the family which the father had no power to dispose of just as he chose without the consent of his sons. At a still later stage we find this developing into the notion of restriction of the ownership of sons in the property in the hands of the father. This rule we find imposed in the later texts. This aspect of the law is found still more developed and emphasised in the commentaries and Nibandhas and established in custom as the equal ownership of the father and sons in ancestral, as well as self-acquired immovable property in the hands of the father. In other words, the family,

¹ Yajnavalkya, II, 118, Manu, IX, 208.

is changed in constitution from an autocratic body into a corporation of persons with equal rights. A somewhat similar movement of the family Law towards joint ownership is to be found amongst the Germanic races whose allod partook of the character of the Hindu joint family property. Similar institutions are also to be found amongst Germanic and Slavonian races.¹ I am disposed to look upon these similarities as independent developments under the pressure of identical forces rather than as evolution out of a common stock; because in Hindu legal history the existence of an original stage of joint ownership is negatived by the Vedic Literature. In many of the Western European races, notably in England this disintegration of the family has extended still further and has resulted in a return, though in a quite different shape, to the original idea of a family consisting of husband, wife and immature children.

With respect to the wife we find her position of abject dependence in patriarchal society gradually becoming more and more tolerable by reason of various circumstances. Amongst the Aryan societies, before their separation, they appear to have developed the notion of a spiritual identity of husband and wife in the religious law. However that may be, we find that in the religious law, the *materfamilias* or the *Grihapatni* holds a position of very great honour and dignity, and throughout the history of Hindu and Roman Law, religion has always tended towards the improvement of the wife's status. But under the influence of different social factors the Aryan society, both in Rome and in India, had to raise to the rank of marriage, institutions not founded upon the religious Law, such as the *Co-emptio* and *Usus* in

¹ See Vinogradoff, *op. cit.*, Vol. I, p. 268 *et seq.* The existence of similar institutions among Germanic races, including Anglo-Saxons is asserted by Seebohm *Anglo-Saxon Village Communities* and *Tribal Custom in Anglo-Saxon Law*. Pollock and Maitland however altogether discredit the theory of the original communion of Germanic races, *History of English Law*.

Rome and the Rākhasha, Paisācha, Âsura and Gândharva forms of marriage in India. With the introduction of these forms of marriage, husband-right became an unmitigated dominion. For the women who now became wives in these ways had, in the eye of the religious law in the remote past, a status no better than that of slaves. The wife became, not only completely subject to the authority and control of the husband, but also a person who might be practically sold or given away.

In course of time however both in Rome and in India the position of the wife was gradually improved. In Rome this was achieved by the introduction of the custom of marriage without *manus* which had the effect ultimately of giving Roman wives an amount of independence, and even license, which has not yet been paralleled elsewhere. In respect of their property, women still theoretically remained under the control of a male guardian. But, in point of fact, the control was practically non-existent. Even such control, as there was, was removed in some cases, by the Lex Julia et Pappia-Poppœa and by other devices.

In India the position of women was never improved, to the same extent. They continued to be under subjection of the husband and the absence of the husband, of the husband's relations throughout. But there the proprietary rights of women were enlarged, first by the recognition of their right of ownership in some specific kinds of property and later by their unrestricted right of ownership over all of their self-acquisitions. With regard to their personal liberty, they had throughout, to rely for protection upon the dictates of religious Law.

We notice thus, that on all sides, the old family was breaking down. The result of this process has been summarised by Maine in the statement that the advance of all progressive societies has been from Status to Contract. In other words in primitive patriarchal society every man or woman was born to a

certain set of rights and obligations determined by his or her position in the family. In the economy of the state his or her position as an individual did not matter. The result of the progress has been the establishment of the right of the individual as such and the determination of his rights and obligations, very largely on the basis of contract or free agreement of parties.

This process in the result of numerous social forces which have determined the form and shape of the particular history in each country. But there can be little doubt that the most powerful force which stated and determined description of the ancient family was the expansion of the family by the inclusion of adult sons. This led to the growth of a condition in the family to which the old order of things founded on the autocratic sway of the male parent was not suited. The break-down of the old order was then inevitable though the result was achieved by a gradual process in history.

CHAPTER V.

MARRIAGE.

I have dealt with some of the problems of comparative jurisprudence arising out of marriage. I shall now proceed to deal with the evolution of the institution of marriage in society as a whole.

Marriage or, to use a term which is more comprehensive,
• marital relationships, originate in the animal instinct of mating, but it only becomes a marital relation by reason of the regulation of the animal instinct. One might almost say that marriage laws are the sum-total of the rules restricting intercourse between man and woman.

Marital institutions develop out of primitive restraints on sexual relations.

Reference has already been made to different theories with regard to the evolution of institution of marriage. One school, represented by McLennan, Morgan, Fustel de Coulanges, Kohler and others, holds that the primitive state of man was one of unqualified promiscuity. The earliest attempt at the regulation of promiscuous relationship is represented by group-marriage, in which the young men of one particular clan are supposed to be married to the young women of another clan. It cannot be regarded as certain, that any such institution as the actual marriage of two groups, as distinguished from a combination of polygamy and polyandry has ever existed. What we do find in actual cases is rather a rule that the young men of a particular clan are entitled to have marital relations permanent or otherwise, with young women of another particular clan. In some cases these are coupled with looseness of marital relations which give the impression that the marriage between

Promiscuity as primitive type of marital relation.

two groups has actually taken place. According to the school to whom we are referring, however, this group-marriage is a necessary stage in the evolution of monogamous marriages through the intermediate stages of polyandry and marriages of the *Beena* type. The marriages of dominion are the result of sexual jealousy and a desire to appropriate women to one's own self, exclusively, which according to these authors is an instinct of much later growth.¹

On the other hand there are anthropologists including the great Darwin² and a long line of his successors amongst whom the name of

Marriage of dominion as the primitive type.

Westermarck may be mentioned as one of the most notable in recent times, who insist that the patriarchal form of marriage, in which the man dominates over and exclusively possesses the woman, was an original type of marital relationship. It has been pointed out that sexual jealousy is an instinct which finds the fullest scope even amongst the higher mammals, most notably amongst the apes. The higher apes generally roam in hordes consisting of one male and a group of females; other males are rigorously excluded from the horde and even the grown-up male offspring is turned out. On the other hand, Westermarck points out that promiscuity as an actual institution is not traceable in any part of the world, either ancient or modern.³ The conclusion therefore is probable that primitive man established dominion over women and excluded other men from the horde. In course of time, however, the grown-up sons were permitted to live within the horde but a complete taboo was established as between them and the women of the father's family. In other words such sons were bound to find their mates outside the family.

¹ The transition is generally supposed to be effected through marriage by capture. This thesis is expounded by Dargun: *Mutterrecht und Raubehe*, in *Untersuchungen zur Deutschen Staats- und Rechtsgeschichte*, Part 16.

² Descent of Man, 2nd Ed., Vol. II, p. 395.

³ Westermarck, *History of Marriage*, 3rd Edition, pp. 385-540.

It was in this way that exogamy originated in society according to this theory.

It is not possible to arrive at any conclusion with regard to the priority of the types of marriage vouched for by these different authorities. Critical estimate of these theories They all proceed upon the basis of certain observed facts. Group-marriage is an institution which is found in various shapes amongst the retarded races of the world. On the contrary even among such a completely uncivilised race as the Veddas we find strict monogamy established. The most backward of these races roam about the forests in couples and they do not associate with any other people except their infant offspring. Whether the one or the other represents the primitive type we are not in a position to say exactly.

At the threshold of civilisation, however, we do not find unrestricted marital relations. On the contrary we find that intercourse between the sexes is strictly limited by an elaborate code of taboos and other limitations and restrictions, not only with regard to the persons between whom intercourse is possible, but also with regard to the times when they are permissible and the essential preliminaries of such intercourse. Restrictions on marital relations in primitive society. These restrictions are so far pronounced that Crawley was led to the conclusion that, far from there being a freedom of intercourse between man and woman in society, the primitive condition was one of complete antagonism between the sexes. He also supposes that in primitive society intercourse between the sexes is considered to be a very dangerous act and all the resources of magic have to be utilised for the purpose of averting the danger of such intercourse. In the effort of the primitive man to avert these dangers an elaborate code of rituals and rules of exclusions and other restrictions are developed in course of time.¹

¹ Crawley, *The Mystic Rose*, p. 222 seq.

* It is not necessary for us to agree to the conclusions of Crawley with regard to sex antagonism and the danger of sexual intercourse in their entirety. It is unquestionable however that in primitive society everywhere we find intercourse between men and women hedged in by a number of restrictions with regard to the time, the place, the occasion and the relationship between the parties. These restrictions are very extensive in some societies and they are more limited in others. There are societies, no doubt, in which practically the only restriction with regard to relationship amounts to an exclusion of mothers and mothers-in-law, even marriages between brothers and sisters being permitted; this can easily be explained by the pressure of other circumstances and ideas, not necessarily appertaining to the primitive state of society. Primitive society everywhere appears to have had a more or less elaborate code of restrictions.

The marriage laws of the various societies are evolved out of these various restrictions. Thus, for instance, the institution of exogamy which compels a man to seek his mate from outside his own clan, originated in these primitive taboos. This institution has been differently explained by the different schools of anthropologists as referred to, before. According to Kohler, for instance,

exogamy arose out of the necessity for alliance between different clans.

Origin of Exogamy. So soon as human society stepped out of its primitive barbarism, it felt the necessity for a combination or alliance of clans for defensive and offensive purposes. The absolutely primitive conditions of society must be assumed to be one of antagonism or conflict between clans; there was no basis on which different clans could co-operate. When the necessity for co-operation with clans for defensive and offensive purposes was felt, there were only two different ways in which clans might come together. One was the assumption of a common origin, and the other, an offensive and defensive alliance on the basis of matrimonial

relationship. The first method is illustrated by many ancient societies in which we find a basis for co-operation established on the fiction of common origin. Thus the Romans obviously absorbed some of the tribes which were not of the same race with them, but who were assumed to have been descended from the same ancestors. Sometimes the performance of a ceremony is believed to cause an artificial affiliation by reason of which, persons, notoriously not descended from a common ancestor, are grafted into the family stock. And once the people were incorporated into the tribe or clan, the obligation of help in offensive and defensive affairs became a religious duty on every clansman or tribesman. But the same result followed when different clans which did not believe themselves to be descended from a common ancestor entered into an offensive and defensive alliance and the most usual method of sealing such alliances was to arrange so that the youths of the two clans should intermarry. In other words, that no youth of a clan 'A' should marry within the same clan but should have marital relations with women of clan 'B' and *vice-versa*—that is the two clans should be exogamous but limited in respect of marital relationship to the two clans only. By reason of such alliances exogamy was established, side by side with a limitation of the possibility of marital relationship to only a certain number of clans or groups. On the other hand, Darwin, Atkinson and others explain the origin of exogamy by supposing, as I have mentioned before, that the adult son was permitted to live in the family only on the understanding that he must seek his mate outside the family.¹

However exogamy may have been established, we find that it is an institution which is almost universal in the earlier stages of the evolution of society. Endogamy; on the other hand, which permits or compels marital

¹ Vinogradoff, *op. cit.*, Vol. I, pp. 180 ff., assigns three possible motives for the institution of exogamy: (i) attraction of the unfamiliar, (ii) the necessity of preventing strife within the family, and (iii) the uncertainty of fatherhood in primitive societies.

relationship between members of the family, is always found to be due to the pressure of circumstances. Either it is the paucity of females, the difficulty of procuring brides from outside, or the reluctance to part with property to which the girl may be entitled or some other circumstance that lies behind the phenomenon of strict endogamy wherever it is prevalent.

The rules of exogamy, however, tend to grow less stringent in the course of time and, following the line of the evolution, determined more or less by the pressure of social environment, they lead on to the rules relating to prohibited degrees in marriage.

The forms of marriage are also traceable to their origin in the primitive taboos. In all primitive societies marital relationship is permissible only with a certain number of preliminary rituals. This is accounted for by the belief that a number of evil influences are at work which might make the connection dangerous. The rituals therefore very often partake of the character of charms or magic for the purpose of averting these evil influences and for propitiating the helpful spirits or gods and securing their assistance. In addition to these there are some other circumstances associated with the act, specially amongst exogamous societies. The bride has to be procured and made one's own. This is done by some transactions by which ownership over the bride is fixed. The ceremonies by which this was achieved lead us back to a state of society in which they represented earnest realities.

The principal methods by which a bride could be obtained in primitive society are classified by Hobhouse under four heads: Capture, Purchase, Service and Consent.

Attempts have been made by some writers to place the entire series of marriage forms in an evolutionary order. It is supposed by some that the earliest form of patriarchal marriage was marriage by capture, which was gradually replaced by marriage

Modes of acquisition
of bride.

by purchase, the price of the bride being the recompense for the loss of the girl to the father. Still later, this was superseded by marriage by free consent. The other forms of marriage are supposed to be simply variants of these three forms.

It is quite clear, however, that you cannot construct a single order of evolution in which you could place all the various marriage forms which we find anywhere. The form which marriage takes, is dictated very largely by a great many social circumstances. Under the pressure of a strict rule of exogamy, a community which finds itself placed amidst hostile tribes could not but have recourse to capture as a mode of acquisition of brides. In communities where marriageable girls are plentiful, purchase would necessarily be regarded as out of question and, rather than girls being sold at the importunity of the man, the solicitation would come from the girl's father. So also, where adult marriage prevails, the element of choice on the part of the girl herself will sooner or later assert itself and break through rules and forms which would coerce her will.

It is obvious that there have been societies which have lapsed from a more advanced form of marriage to a more primitive one. On the contrary there have been societies in which brides who were originally purchased or acquired by service to the father were, later on, given away free. An instructive lesson on the question of the evolution of marriage forms may be obtained from a study of the marriage law of the Hindus. The most ancient form of marriage in India, as well as in other Aryan communities was the religious form, which is embodied, for instance in the Grihya Sutras. The idea underlying the rituals is that there is an agreement between the bridegroom and the bride's father and that the bride is also a consenting party to the marriage. We notice further, that, far from the bridegroom being a humble suitor seeking a girl, he is an honoured guest who has been invited for the purpose

Circumstances affecting evolution of forms.

Marriage forms in ancient India.

of taking the girl, as a favour. The relationship which is created by the marriage is one of complete spiritual partnership. At a later date we find that the Aryan society in India adopted other forms of marriage, such as the Râkshasa, in which the bride is obtained by force of arms, Âsura in which the bride is obtained by purchase, Gândharva in which the bride is obtained by her own consent alone and lastly Paisâcha in which a bride is practically obtained by theft or fraud. Similarly in Rome, we find that the older idea of marriage which we find embodied in the confarreation is replaced by a form which was perhaps a survival of marriage by purchase and another form which was practically a marriage by consent. The reasons underlying these changes are, clearly, that in the environments in which the Aryan society found itself placed, the older ideas could not survive the changed circumstances and required the adoption or adaptation of forms of marriage which were foreign to the original idea of the Aryan marriage but which prevailed amongst their new neighbours.

Evolution of forms
determined by en-
vironment.

It seems therefore that the forms of marriage are very largely dependent on environments and as these differ in different societies in their origin as well as their later development, the actual forms of marriage have varied greatly both in their origin and in their later growth. It is not therefore possible to construct a single course of evolution which will account for all the various forms of marriage.

I do not propose to discuss all the various forms of marriage which have been in vogue in human society in different countries and in different times. Men have always wanted marital relationship with women. So soon as they wanted women exclusively to themselves, the necessity for appropriate methods of acquiring such exclusive right developed. Where there are no rigorous rules of exogamy the end might be achieved by the consent of the bride's father or the consent of the bride herself, who being a member of the family or clan did not raise serious objections.

Sometimes the consent has to be acquired for consideration. Where girls are valuable assets, they would not be parted with, unless the parents had a *quid pro quo*. There are several variants of this consideration paid for the bride. Sometimes the bride's price is fixed, as for instance, in the *Ārsha* form of marriage among the Hindus. At other times it is a matter of negotiation, as in the *Āsura* form of marriage. Another form of payment is to be found in the service rendered by the bridegroom to the bride's father, as is illustrated in the case of Jacob's marriage in the Old Testament. On the contrary, where girls are far from prized and are regarded, as in the Vedic society, as more or less of a nuisance to be got rid of by all possible means, it is the father of the bride who is anxious to induce the bridegroom to accept the girl, and the marriage takes the form of a free gift of the girl and very often with presents, more or less valuable, for the bridegroom and the bride. This is the mental attitude probably illustrated in the chief forms of religious marriage in ancient India, in all of which the bride's father is anxious to give away the bride with ornaments and presents to the bridegroom. The same result would also follow where girls are prized, where they may be given as presents, valued on account of their worth, to persons, held in high esteem (like the priest in the *Daiva* marriage) whom the father wishes to please. This mentality we find depicted in many of the marriages narrated in the *Mahabharata*.

Where endogamy is strictly forbidden there might be groups of intermarrying races living in amity with one another, between whom marriage would be a perfectly peaceful transaction and would be entered into in one of the forms above mentioned. Where there is strict exogamy and a clan finds itself placed among more or less hostile races or, where the fancy of a young man leads him to seek a bride from a hostile community, marriage by capture would become the appropriate form of marriage. Cases of real marriage by capture in the past history as well as amongst savage or semi-savage races of the

present day are well-known. But in many cases the fight has sunk to more or less of a formality or a fiction. It is, in many places, looked upon as a point of honour not to let the bridegroom take the bride without a show of fight, although, as a matter of fact the marriage has been pre-arranged. Customs also develop out of this, by which the bridegroom is required to show his prowess either by fight or otherwise, before a girl is given to him. Cases of such customs are found in the wedding of Sita in the Ramayana and of Draupadi in the Mahabharata.

In every society however, there is a tendency for the affection of the bride to assert itself in the matter of the choice of the bridegroom. Even amongst savage races who deny any scope to the choice of the girl in the matter of selection of the bridegroom it is often found that prohibited unions are effected by elopement and a bride can in most cases have the man of her choice if she is sufficiently insistent.¹ Wherever adult marriage prevails, therefore, there is a tendency for the choice of the girl to become an important determining factor in marriage. This is illustrated in the history of ancient India where at a comparatively early date, not only were marital relations often established by elopement, but the Gāndharva form of marriage was favoured by some schools of law on account of its being founded on affection,² and Swayamvara was a well established institution from the days of the early traditions embodied in the Mahābhārata. On the other hand, various motives may impel the parents not to permit a free scope to the choice of the daughter in the matter of marriage. It may be, that such choice prevents the father from getting an adequate bride-price. Or, it may be that the young brides are liable to get into scrapes or into

¹ Vinogradoff, *op. cit.*, Vol. I, p. 210; also Westermarck, *op. cit.* The Mahabharata stories of the elopement of Rukmini and Subhadra are evidences of such elopement in Ancient India.

² Baudhāyana says गान्धर्वस्याप्येकं प्रशंसन्ति खेदानुगतत्वात् "Some praise the Gandharv marriage, because it is founded on affection." Baudhayana Dharma Sutra, S. B. E., p. 207.

unsuitable alliances which might bring down the honour of the family; or there may be a real desire on the part of the father to protect the children against the rashness of youth in making an unsuitable choice. Wherever such tendencies predominate, we can notice a movement in favour of the marriage of girls before they attain the age of puberty. This tendency results sometimes in the institution of infant marriages between very little children.¹ In many other cases however, it is not actual marriage that takes place but only a betrothal which is matured into marriage by some ratificatory act when the girls attain puberty.

The Paisācha form of marriage, referred to in Hindu Law is a somewhat remarkable case. According to Manu's description of this form of marriage it consists in the ravishment of the girl by the bridegroom while the girl is either asleep, intoxicated or otherwise out of her senses. According to the description given in the older texts of the Âswalayna Grihya Sutra however, it appears to be a marriage with a girl who has been procured by theft while her relations were sleeping or under the influence of intoxicants. In this form the Paishācha marriage is really nothing more than the theft of a girl, which is recognised almost to the same extent as marriage by capture, as a mode of acquisition of girls among backward races even to-day. But the form as defined by Manu is also intelligible amongst backward races. We find that when a woman has been ravished by another man the relations of the woman insist on the ravisher taking the woman. This is looked upon as a form of punishment of the ravisher.²

In all these various forms of marriage the idea is to acquire dominion or control over the woman. Slowly however the recognition of the personality of the woman asserts itself and

¹ In the Vedas adult marriage is contemplated. But as early as the Grihyas we find a *Nagnikâ* prescribed as the most suitable girl for marriage. *Nagnikâ* is a girl who is not yet ashamed to go about naked. (See e.g., *Mânava Grihya*. VIII, 3.)

² Cf. Westermarck, *History of Human Marriage*, 3rd edition, p. 383 seq.

marriage comes to be looked upon more and more as a partnership by mutual consent between the husband and the wife for the greater happiness of both. This tendency leads to the position of women as it survives and as it promises to be in the future. But we must not forget every form of marriage that there has been has had its relative validity with reference to its own times and particular environments.

CHAPTER VI.

SONSHIP.

The concept of paternity is by no means an absolutely primitive one. The relation of the son to the mother is an obvious natural fact and it is still further emphasised by the association between the mother and child during the prolonged period of nurture and upbringing of the child. The relations between the mother and the child therefore meet us on the threshold of the history of human society. Paternity however is a more difficult concept. In its mature form it is based upon a recognition of procreation as a natural fact. The existence of backward races, however, among whom the natural fact of fatherhood is unknown indicates that realisation of the natural relation between father and son was a comparatively late acquisition of humanity.

Paternity probably unrecognised in primitive times.
The first step towards the recognition of paternity is perhaps indicated by the curious ceremonies known among some savage races, which have been called *couvade*. It is found in various forms, but the essential idea in it is that the father has to pretend to lie in with the child after it is born. By this fictitious lying in, a relationship is supposed to be established between the father and the child. And this relationship was apparently unconnected with the fact of procreation.

Couvade.
Among some races apparently, sonship was identified with the notion of dominion. All children over whom a person exercises father-right are his children. That would be the natural concept amongst the polyandrous races of the Tibetan type where

Proprietary concept of sonship.

natural* paternity would be indeterminate, but all the brothers who have the same wife would be fathers of all the children of the woman. The analogies which we actually find employed to justify the concept are those of the produce of one's field or the increase of one's cattle. The children of one's own woman are one's own on the basis of the proprietary right over the woman.

By an extension of the argument underlying this sort of paternity, father-right could be established over other people's children also. We find quite early in history that father-right can be sold, given away or acquired; that is, as soon as father-right is conceived as ownership and ownership is conceived as capable of transfer. Father-right is now found to be acquired in ways in which ownership can be acquired.

The recognition of natural fatherhood is a fact of far different import. This is always associated with the fostering of the child by the father and the mother together and the establishment of relations of tenderness which is absent in the proprietary notion of fatherhood. It represents a very great advance in civilisation and culture and, in its earlier stages, it is inconsistent with the existence of artificial fatherhood of the other type. Once paternity is conceived as consisting in procreation, naturally the son begotten by oneself on one's wife would stand in a category apart.

A study of the institutions of Aryan races leaves no doubt that the early Aryans before their separation had already developed this idea of paternity. We may also infer that the fact of fictitious or artificial paternity was unknown to them. This conclusion appears to be suggested by the absence of any common name for the institution of artificial sonship in the various Aryan languages, although the institution of adoption appears to have been almost universal amongst ancient Aryan races. It is also

Paternity established over other people's children.

Consequences of the recognition of natural fatherhood.

Natural paternity established in early Aryan society.

further strengthened by the fact that during a fairly long period of their history in India the Aryans did not recognise any secondary sons.

In the Rig Veda the son is found to occupy a high place in the affections of fathers and his religious importance is also conceived to be very great.

Sonship in the Rig-Veda.

But the Vedas throughout conceive the son begotten on one's wife as the only possible form of son and no secondary sons are thought of.¹

The entire ritual literature of the Srauta and Grihya Sutras moreover confirm this view, inasmuch as there is no ceremony in that literature appropriate to the affiliation of a son. The significance of this important omission will be clear when we remember that every important event of the everyday life of the Arya as well as each determining incident of a man's life is provided with an appropriate ritual in the Kalpa Sutras.

It is often too readily assumed that the passage from the legitimate son to the adopted son is more or less immediate. For, we find the institution of adoption in most peoples in some form or other. Fustel de Coulanges suggests that the transition was effected through the desire for perpetuating the family *sacra*.

Transition to secondary sonship.

Although the secondary or artificial son is a fairly widespread institution, it would be wrong to suppose that the transition was directly from natural paternity to the fictitious paternity by adoption. From what I have said it is clear that the recognition of natural paternity existed in Aryan society before fictitious paternity was recognised by them and paternity of the proprietary type, without reference to natural fatherhood had died out, if it ever existed among them. The recognition of fictitious paternity came gradually, and adoption was not the earliest form in which it was recognised, at any rate in India. •

¹ Nicht soll man glauben, er könne durch Adoption ersetzt werden, denn "was von einem andern gezeugt ist keine (rechte) Nach-Kommenschaft." Zimmer, *op. cit.*, p. 318, Rig Veda, VII, 4, 7-8.

Early forms of artificial sonship.
Fosterage.

Artificial relationships are known to have been established in many places by other means than adoption. Kohler mentions two important modes: fosterage and blood fraternity. When a child is brought up by a person not its parent a relationship is established between it and its foster parents and their relations, which is largely akin to those of blood relationship. There is no fiction in this case. The bond of affection is in this case quite real and the legal relations which are established are merely analogical extensions of natural kinship.

Blood-fraternity on the contrary arises from a circumstance familiar to primitive and ancient societies.

Blood fraternity. Two persons who want to become blood-brothers taste each other's blood. This is supposed, according to primitive conceptions, to create a complete identity of being between the two. The act of eating and becoming one with the thing eaten are associated together in primitive thought in numerous conceptions.¹

These are the more familiar modes of creating artificial relationships in primitive and retarded societies. On the contrary, adoption or the making of another's son one's own where the idea of natural paternity is already developed, involves the taking of an intermediate stage—the recognition of property in sons.

In a sense, as I have said before this is a more primitive idea than the recognition of natural paternity. But the recognition of natural fatherhood seems to result in the elimination of the primitive notion. At least, that is what we find in ancient Aryan society. Aryan society, placed amidst peoples with a different civilisation, appropriated, and possibly re-appropriated, the idea of ownership in sons and with it the concept of secondary sonship by purchase, adoption, etc. The mere fact that sonship by

Evolution of adopted son in India.

¹ This underlies the idea of sacrament and of eating the totem, and the Purushamedha sacrifice. (See R. S. Trivedi's *Yajna Katha* in Bengali.)

adoption is common to Rome and India does not in this case indicate a common origin of the institution.

The history of the evolution of secondary sons in ancient India is very instructive, as illustrating the very gradual stages by which the transition from procreative paternity to that of adoptive paternity may be effected. It is not suggested that the same course of evolution was followed everywhere. What it shows is that elsewhere also the transition may have been similarly gradual.

I have mentioned already that the Vedas did not recognise secondary sons and the Grihya ritual is inconsistent with the

Priority of sons
born in the house
over adopted or affi-
liated sons in Ancient
India.

existence of secondary sons. But so soon as we arrive at the stage of the Dharmasutras we find not merely the son by adoption but twelve kinds of sons referred to. Now, in the earliest enumerations of secondary sons we find a primacy accorded to sons like Putrikâputra, or the son of the appointed daughter, the Kshettraja or the son of one's wife begotten by another, Kânina, or the son of one's maiden daughter and so on.

A consideration of the entire evidence relating to the evolution of sonship, leaves little doubt that these secondary sons were adopted by the Aryas in India from their non-Arya neighbours among whom not procreation, but ownership of the mother was the chief determining factor. Pressed by a crying need for male children perhaps, or from other social necessities, the Aryas adopted all these concepts and along with these the idea of sonship as essentially consisting in ownership. And, we find Vasistha in his Dharma Sutra basing the institution of adoption expressly on this fact of the father being the absolute master of the son, by virtue of his being the author of his being.¹

Sonship of adopt-
ed sons established
through the proprie-
tary idea.

¹ See on this subject my paper on Sonship in Ancient India in *Man*, Vol. XXIV, 32, 42.

Fustel de Coulanges exaggerates the importance of the religious element in adoption. The paternity was primarily due to the acquisition of ownership by transfer, the religious and social ceremonies were additions to the transaction made, because, to the Aryan, a religious ritual was an indispensable accompaniment of every important event of life. The nature of the ritual however is important. In Rome, as Fustel de Coulanges points out, some of the rituals appropriate to the birth of a child were performed at adoption. That indicates that the ceremony was improvised out of the ancient ritual law proper to natural sons. In India we have something similar to-day, but while the Grihya sutras are wholly silent about rites of adoption, Vasistha in his description of the ceremony of adoption prescribes only a *homa* with the *vyāhritis* which was a general sacrifice of auspicious effect performed on every conceivable occasion.

Far more important are the other provisions of Vasistha's text. He lays down that the king should be informed previously and all kinsmen invited to the ceremony. That signifies that a recognition of the son as a kinsman by the kinsmen of the father was necessary for adoption. The same thing we also find in the Aetleidung of the old Norse law.¹ The essential things in adoption therefore were, firstly the acquisition of authority by transfer of ownership and the recognition of kinship by the kindred. The genius of the Aryan race however soon overlaid the institution with rituals and also developed, apparently independently, in Rome and India, the notion that sonship is a spiritual relation created by the sacra. This idea underlies the speech of Cicero referred to by Fustel de Coulanges.² It is a quite familiar concept of the later legal literature

¹ Kohler, *Philosophy of Law*, p. 116.

² Cicero *Pro Domo* 13, 14 quoted by Fustel de Coulanges, "To adopt is to seek by regular and sacred law that which by the ordinary process of nature he is no longer able to obtain."

of the Hindus. But that this was not the essential idea in an earlier age is indicated by the absence of any specific ritual calculated to create such occult consequences in the earliest texts on the subject.

CHAPTER VII.

JUDICIAL PROCEDURE.

Administration of justice or adjudication had, as has been already mentioned, a long history behind it. Some forms of ancient and primitive judicial procedure are known to us. From those might be inferred a course of history originating in private revenge and culminating in modern judicial procedure. Here, as well as elsewhere, we have got to bear in mind the warning, which I have already given, against attempting to construct a single universal course of evolution of legal remedies. There can be no doubt, however, that the foundation of the entire system of the administration of justice lies in the instinct of vengeance.¹ A person who feels himself injured seeks vengeance ; and a person who wants a thing to be done for himself by another tries to get it done, in either case by his own efforts, if possible. If he fails, or thinks he will fail, he seeks the assistance of his family and kindred. In primitive society we find the kindred are all bound by the most drastic religious sanctions, to help their kinsmen in these feuds. A dispute between two persons therefore generally terminates in a fight, either between individuals or between families or clans or tribes. For a very long time in society this is found to continue as a normal and honourable mode of adjusting disputes. Blood feuds are found to prevail in otherwise quite civilized communities.

Origin of judicial
procedure in private
revenge.

Blood-feuds.

¹ Holmes, *Common Law*, Lecture 1, pp. 2 et seq.

At some stage in the history of society however there is an interposition of communities for a settlement of disputes. This interposition takes different shapes in different communities, determined to a large extent by the peculiar condition of the community, their social organisation, the effectiveness of their sanctions and numerous other circumstances. Thus amongst some people, we find disputes are settled by the entire tribal assembly,¹ among others they are taken to the king,² among yet others they are referred to the adjudication of specially sacred persons, whose decisions are looked upon as the decree of gods.³

The study of the Roman *Legis Actio Sacramentō* leaves an impression that the king first interposed between citizens in order to prevent an actual fight, and induced the parties to refer the matter in dispute to a person upon whom they had confidence. This may have been done by some primitive kings in order to maintain peace amongst the citizens among whom it had to be maintained, perhaps to prevent weakness in the ranks of the citizens in their wars against other races. The results were perhaps found satisfactory and other people who had disputes, wished to have the matter settled by the king. The king perhaps would not interfere or was not permitted to interfere in disputes except for the definite purpose of preventing a determined conflict between its citizens. Therefore, even if there was no armed conflict, the parties had to pretend to prepare to fight, in order to give the King the necessary opportunity and jurisdiction to interfere. A history somewhat like this perhaps lies at the back of the *Legis Actio Sacramento*, in which we find the real fight between

¹ *E. g.*, by the "Thing" of the *Njals Saga*.

² *E. g.*, in Greece of Homer, and Rome before the Republic. Later, the *Praetor* stood in Rome in the place of the King.

³ *E. g.*, the *Parishads* in India or the *star-gazers* among the *Kassites* in *Berosius's* description.

parties reduced to a symbolism. Instead of fighting with a spear, the disputants pretend to do so with a wand and the Praetor who represents the king thereupon interferes. There is in the *Legis Actio Sacramento* no reference of the matter to an arbitrator chosen by the parties, but an appointment of a judge by the Praetor. But in the *litis contestatio*, a formality is gone through which keeps the appearance of the Judge being chosen freely by the disputing parties.¹ In this dramatic representation very probably survives the first interposition of the King in a dispute between Roman citizens in ancient Rome. This is not the absolutely primitive idea of adjudication, at any rate, so far as any Aryan race is concerned.

Evidence among other Aryan races and also perhaps in some of the Roman institutions indicates an earlier stage in which such adjudication was done without interposition of the king, by clans or religious bodies. The L. A. Sacraments therefore really representative, not of the first act of adjudication in Rome but rather of the first interposition of the king in the adjudication of disputes. This is quite clear from a study of the institution of the Germanic and the Celtic races. In India the history will perhaps be found to be clearly recorded, if only we critically interrogate the legal documents that we have got. Such a study reveals to us that long before the king came to adjudicate on disputes between persons such disputes were quite peacefully decided by the intervention of the Kulas, (family or clan assemblies) Srenies (Guilds of men following the same occupation) or Parishads (assemblies of learned men who knew the Law) and such other autonomous bodies.²

That in India also the interposition of the king in the decision of disputes was prompted by the same motives as in Rome, although not in the identical manner perhaps, is indicated

¹ Sohm, *Institutes of Roman Law* (Trans. Ledlie, 3rd Ed., p. 226).

² Sen Gupta, *Sources of Law and Society in Ancient India*, pp. 18 et seq.

by the fact that in the earliest instances of disputes which are decided by kings, we find only thefts and offences of violence. It is only gradually that we proceed from this stage to that in which the king adjudicates on every kind of disputes. If we are in search therefore, of the absolutely primitive act of adjudication in Aryan society, we have to go behind the symbolism of the *Legis Actio Sacramento*. We can see that beyond this lies the adjudication of disputes by clans and guilds and religious societies.

But the history of Aryan society leads us no further back.

Justice in Primitive
Semitic Society.

The study of primitive Semitic society gives us a glimpse at what was apparently a more primitive condition of things. The Law is thus summarised by Cook:¹

"Among primitive Semitic communities there is properly speaking, no law and law-givers. But it would be a mistake to infer that there was lawlessness. Tribal custom, and with it is involved religious custom, is the strongest of laws. A thing is lawful because it has always been considered lawful; things that are unlawful are things that are not wont or ought not to be done. Within the tribe all men are on a footing of equality and under a communistic system, petty offences are unreasonable. Serious misdemeanour is punished by expulsion; the offender is excluded from the protection of his kinsmen, and the penalty is sufficiently severe to prevent its being a common occurrence. The man who is wronged must take the first step in gaining redress, and when it happens that the whole tribe is aroused by the perpetration of any exceptionally serious crime, the offence is fundamentally regarded as a violation of the tribe's honour, rather than as a personal grievance on the part of the family of the sufferer. Courts, as in Babylonia, for the adequate punishment of offences and legally ordained

¹ *Laws of Moses and Hammurabi*, Extract in Kocourek and Wigmore, *Primitive and Ancient Legal Institutions*, pp. 655 et. seq

punishments are not yet in existence. This essential distinction between primitive Semitic and Babylonian procedure comes out most clearly in the case of blood-revenge.

"The familiar Semitic conception of the sacredness of blood whether human or animal must have long been forgotten among the Babylonians, whose code is characterised by the frequent application of the death penalty. It is unnecessary to point out in detail how the Semites have been influenced by this conception. The inviolable nature of the blood-tie which makes kinsmen brothers and the responsibility attached to the shedding of blood, lie at the very root of the almost ineradicable system of blood-revenge. If a man has killed one of his own group he has committed an offence for which he cannot expect to obtain protection from the members of his tribe. He may be solemnly put to death and this was primarily effected without the spilling of blood, or he may be formally expelled, in which case he becomes an outlaw. In any case the community must be purged of the presence of the impious member. On the other hand, when the slayer and the slain are of distinct groups, the principle of the sacredness of blood reacts in a different manner. The group of the slain, on the one side, are bound in point of honour not to leave their kinsman's death unavenged; the slayer's group, on the other, so far from being under an obligation to surrender the guilty one, regard it as equally a point of honour to unite to protect him. There is blood-feud between the two groups. Any member of the aggrieved group may retaliate upon any of the slayer's group, and until satisfaction is obtained, this state of feud continues. Naturally, under the circumstances, there may be indiscriminate slaughter, and the blood-feud is prolonged indefinitely. So deeply rooted is the practice that blood-revenge holds good among the wilder Bedouin tribes of to-day. Certain modifications, however, were gradually introduced with the object of preventing the fierce internecine fights and the insecurity of life which the feud entailed. Blood-wit was offered and accepted, the responsibility

for murder was confined within limits, and retaliation restricted to the guilty party and immediate relations."

A study of the savage races of to-day and of the early laws of Germanic races,¹ gives further support to the conclusion that, everywhere, administration of civil justice originated in some similar manner. The person wronged seeks revenge, which, unless the wrong-doer is a member of the community, he can always have with the assistance of his community who are pledged to support him. This naturally leads to the interposition of the communities as arbitrators in cases where both the parties are more or less amenable to the influence of the community. This arbitration may have come into existence in various forms and ways, but the motive behind it is everywhere the same, namely, to prevent, if possible, a blood feud.

The most primitive adjudication of disputes seems to have taken the form of a decision on the question of the kind and quality of vengeance that the aggrieved person is entitled to get in justice.²

Adjudication founded on self-redress.

That is why we find primitive law almost everywhere taking the shape of a tariff of damages to be paid for different kinds of wrongs. These damages represent an improvement upon the primitive measure of damages which is a measure of justified revenge. It is represented in the law of an "eye for an eye, a tooth for a tooth" or the *lex talionis* of the Twelve Tables. A later stage is reached when, instead of the wronged parties being permitted to take the revenge adjudged, the community adjudges the payment of a sum of money or other property as compensation for the injury done. This composition of wrongs was apparently a voluntary remedy which depended upon the choice of the wronged party. Later on

¹ A good summary of the conclusions drawn chiefly from Germanic sources will be found in Vinogradoff, *op. cit.*, Vol. I, Ch. X.

² Vinogradoff, *op. cit.*, Vol. I, p. 348, observes, "It may be said that an ancient trial was not much more than a formally regulated struggle between the parties in which the judges had to act more as umpire and wardens of order and fair play than as investigators of the truth."

however, it became the usual thing, and we find the composition is forced upon people by the conscience of the community and freedom of taking revenge is gradually taken away. This leads to the formation of elaborate tariffs of damages for various kinds of injury which we find in ancient laws as well as amongst retarded communities.

An important fact to notice about the early law of procedure is the religious sanction attached to it.

Religious sanction of the law of procedure.

The litigation is, throughout, a religious process and is generally started by the taking of an oath by the parties. The man who loses a suit becomes an offender against the religious law for having taken the false oath. This is the idea underlying the *Legis Actio Sacramentō*. The sacramentum was originally meant as a *pia mentum* or peace-offering to Gods to appease their wrath on account of their false oath.¹ Maine supposes this to have been the remuneration for the judge such as is indicated in the Homeric legend relating to the design on the shield of Achilles. This does not seem to be supported by the testimony of the early Roman law itself, which looks upon this as a peace-offering. At the same time there is evidence in ancient law of the parties paying for the decision of the dispute. The two talents paid by the disputants in the Homeric legend find their counterpart in the Hindu law which provides that the party losing has to pay to the King an amount equivalent to the amount decreed, to pay for the trouble taken by him or his judge. But whatever that may be, the great importance attached to the oath and the religious part of the litigation indicates that the chief operative element in the suppression of the private feud was not so much the authority of the King or the Elders as the sanction of religion.

¹ Muirhead, *Roman Law*, p. 182, Sohm, *Institutes of Roman Law*, p. 281 note.

CHAPTER VIII.

LAW OF CRIMES AND CRIMINAL PROCEDURE.

While violent wrongs were undoubtedly the first to be remedied by Civil law, a notable feature of many ancient codes of law is that the element of genuine Criminal law is entirely absent from them. The *Leges Barbarorum* are more or less tariffs of damages payable for particular wrongs, pre-eminently violent wrongs, such as murder and maiming. The *wehrgeld* or composition payable for every offence is fixed. In the *Njals Saga* we find how coolly murders committed by members the family or slaves are compounded for between heads of the families. The Anglo-Saxon Codes are also tariffs of damages. Early Roman law too provides only civil remedies for wrongs and there is no regular procedure by which crimes may be *punished* instead of being compounded for.

Absence of Criminal law proper in ancient laws.

When an offence roused the resentment of the entire community it would be punished in early Rome as an act of State, by the Legislature itself.

In course of time, as Maine points out, cases of this character are referred in Rome to special committees or *Quæstores* of the legislature. As the occasions for the appointment of *Quæstores* multiply, permanent *Quæstores* are appointed who would deal with particular classes of cases. These *Quæstores* are thus gradually transformed into regular courts for the decision of criminal cases of a particular character.

Maine on the evolution of Criminal law.

The action of the state for the punishment of offences was called forth originally, by acts directed against the state alone, or possibly by an outrageous offence which roused the wrath

of the entire community. Gradually however the state begins to take a larger view of its functions and interests and undertakes the punishment of other offences. This process goes on till a whole class of criminal offences is established. These offences are distinguished from delict in this that they are punished by the state either by corporal punishment or by fines, while a delict is compensated by payment of damages to the wronged party, though the amount of the damage itself may be penal rather than reparatory. It seems also that the Romans gradually developed the theory, that crimes were violations of the right of the state. But, even then, the state did not rise to the sense of its rights in the matter of private wrongs like theft or assault all at once; but gradually extended its activities towards punishing these as people began to develop a wider notion of its rights.

This, in brief, is the history of Criminal law in Rome according to Maine. But this is not the whole story, even in respect of the law of Rome nor a history that we find followed everywhere. It would be altogether unjustifiable to conclude from this that the concept of offence was necessarily later in legal history than that of delict.

To get a real grasp of the significance of ancient law in Rome or Germany we have to take the laws
Crime and revenge. and social institutions all together. When we consider the laws as supplemented by other social institutions, we shall find that, while the laws speak of compensation for wrongs, there are beside the laws other ways in which offences are dealt with. In the Njals Saga, while the heads of families are coolly compounding for the deaths of their slaves and dependants other members of the family are planning revenge, and revenge they do have and are justified in having. That represents primitive society before the administration of criminal justice was known. When a person was injured he would have his revenge, and his society, his kinsmen would aid him in having his revenge.

As we have seen before, the state's first act of interference with this self-redress took the shape of arbitration, for the purpose, primarily of determining the extent to which vengeance was justified and, later, for awarding an equivalent as damages for the injury. This was originally only an alternative remedy for the injury. The wronged party might agree to have his revenge bought off. That is as far as the law would go. If the compensation was deemed inadequate, there was always the right of seeking revenge. Compulsory composition came later, and when it did come, it was often got round by secret murders as we find in the *Njals Saga* and also in the vendettas of much later days.

There was also another factor by the side of the reparatory law which helped to keep society in order. There was religion with its code of sins and punishments after death, to be compounded for by penances and expiations in this world. The religious organisation of society was more ancient than the state and its sanctions were, in those days, much more effective than mere human sanctions. Everywhere, in primitive and ancient times, we find penances imposed by religious law for offences long before crimes are punished by the state. The punishments imposed by religion were sometimes very drastic. Death, maiming, disfigurement and a wild variety of physical chastisements were included in the schedule of penances. On the other hand there were drastic social sanctions, extending from more or less harmless privations to the utter exclusion of a member from society, as in the case of the *Homo sacer* or *aerarius* of Rome or the abhisasta of India. So that, before the state undertook to punish offences, the idea of offence and punishment had already become familiar to the people in the religious law.

There is a remarkable circumstance to be noticed in the scheme of sins and their appropriate penances. Penance is provided as less drastic substitutes of punishment in after life. We therefore find lurid pictures of the punishment people suffer

after death for sins committed during life. Maine has drawn attention to the fact that these punishments in hell are conceived very largely on the principle of retaliation, the infliction of approximately the same injury on the wrong-doer that he has inflicted on his victim.¹ Generally speaking the retaliation of justice in hell takes the shape of a much severer injury than the sinner has caused in life. At other places, the punishment draws its appropriateness from some injury being inflicted on the offending limb or some other fanciful punishment the clue to whose psychological basis we have probably lost. It is probable that these pictures of hell are merely aggravated forms of what actually prevailed in the society of those days. The penances prescribed for the sins also partake of the same character more or less. Penances for injuries caused to others very often take the shape of the voluntary infliction of the identical injury on the wrong-doer himself. Occasionally we notice the idea of reparation. At other times the offending limb is punished. In this way the early law of penance seeks to approximate, in its punishments, to the injury which the wronged party would like to inflict on the wrong-doer. In the developed Indian Law of penance, there is moreover the idea of purification of the mind by self-mortification, worship or contemplation, most notably associated with sins not affecting others. But there is enough material in this law of penances to justify the conclusion that religious society in primitive times sought to check offences by punishing them through penances and, in inflicting these punishments they were largely influenced by the standards of the law of self-redress.

It is in this religious code of Sin and Penance, which existed side by side with the reparatory code of civil law in primitive society that we have to seek the roots of a law of Crimes. Even in Rome, it seems probable that the legislature was moved to inflict punishments on parricides and similar

¹ Maine, *Early Law and Custom*, Chap. 11.

offenders very largely by reason of the fact that the offence was very seriously against religion. In India we find that at quite an early age the king comes in to assist the religious law and inflict punishments on offenders against religion and incidentally punishes some violent wrongs. It seems probable that in India punishment of violent offences came into existence before civil actions. It was the same in Persia. The Vendidad speaks in terms of corporal punishments of wrongs, though later interpretation of the law has transformed the *Aspahe Astra* and the *Sraosha Charana* into formulæ for expressing the measure of damages.

The king intervened to compel people to perform appropriate penances for their offences and he made his might felt by inflicting punishments himself. He also intervened to regulate self-redress. He took the vengeance out of the wronged party by inflicting a punishment on the wrong-doer which would satisfy the injured party. This interposition in the matter of self-help and of penances evidently laid the foundation of the criminal jurisdiction of the king.

The interposition of the king depended very largely on the position which he held in society. The chief of a clan who is only *primus inter pares* is not likely to be able to assume the authority to punish a clansman. That seems to have been the position of the chiefs in Cæsar's Germany. There was therefore no criminal jurisdiction of the chief though civil arbitration prevailed and very likely private revenge and blood feud prospered except in times of war, when the magistrates or tribal chief had the power of life and death for preventing offences.¹ In India on the contrary, the community settled down in peace very early and the king stood out as a very superior person with boundless power and very great sanctity. It is here therefore that we find criminal jurisprudence grow much quicker

¹ Cæsar quoted by Vinogradoff, *op. cit.*, Vol. I, p. 345. It is noticeable that Cæsar distinguishes between the magistrates who "*vita nescisque habeant potestatem*" and the *principes regionum* who "*jus dicunt controversiasque minuunt*" implying the administration of civil justice by arbitration and not criminal justice by punishment.

than elsewhere. In ancient Rome the king was never very much above his people and what pre-eminence the king had was extinguished by the early establishment of the republic. The authority of the state therefore in punishing crimes was slow in growing up there.

In India therefore we find a wholesome criminal jurisprudence is established much earlier than elsewhere. Originating in private revenge and the concept of punishment in religious law it quickly developed a theory of the obligation of the king to protect his people by the punishment of criminals. At a very early epoch, the criminal law here has entirely shed its association with the *lex talionis* and we find private revenge rigorously put down and reduced to a perfectly modern rule of private defence. Corporeal punishments, including death, maiming, whipping and other very severe penalties, as well as imprisonment and fine are inflicted, at first by a fixed tariff, but gradually in accordance with a rule of justice in which due consideration is given to the circumstances of the case, the age and position of parties, the moral and educational standard of the offender and every other circumstance which is relevant to Criminal justice.¹

In course of time Hindu law develops a philosophy of Criminal justice which reveals the root of the criminal jurisdiction of the king in the religious law of penance. *Dharma* is the eternal order of things and regulates the whole world as well as the life of men. When a man commits a sin he violates *Dharma*. To adjust the equilibrium of *Dharma*, it appears in this world as *danda* or punishment.² When a sinner gets his punishment from the king his sin is wiped out just as much as it would be by penance. The king is bound to give appropriate *danda* to

¹ Yajnavalkya, I. 368.

² "The King should inflict punishment on those deserving it after knowing (considering) the nature of the offence, the place, the time, the strength (of the offender) his age, occupation and wealth," also Manu VII, 16, Apastamba XII, 51.

Manu, VII, 14, 18, 22-28. Yajn., I, 354.

the offender, though there is a slight recognition of his right of pardon¹ in later law. If he fails to inflict the appropriate punishment through weakness or error, the offender is relieved of his sin, but the offence falls on the king and he must perform an appropriate penance to satisfy the outraged dharma.² Nay more, if the king fails to keep his people on the right path by inflicting appropriate punishments, all the sin that they do by reason of the want of protection falls on the king.³

It is thus seen that the king or the state acquires an interest in the punishment of offences by reason of its association with religion. The state is protected by *Dharma* and if *Dharma* is not maintained the state falls to pieces. This indicates the historical origin of the interest of the state in the punishment of crimes. India never passed beyond this stage of dependence of law on religion. But in other places when law ceased to be associated with religion, the interest of the state in the punishment of crimes continued for other reasons and other philosophical justification had to be sought for the punishment of crimes.

¹ Apastamba, XII, 52.

² Gautama, XII, 48.

³ Yajn. I, 337.

CHAPTER IX

CIVIL ACTIONS AND EVIDENCE

A.—Law of Evidence

From what has been said before it will be clear that primitive judicial procedure was chiefly concerned with the determination of the amount of justified revenge or reparation. A proper law of procedure or evidence is no part of this action. The community through its accredited heads interposes in a dispute simply for the purpose of seeing fair play.

No rule of procedure or evidence in primitive law.

Gradually, however, the need for rules of procedure begins to be felt. The earliest part of these rules are rules of evidence, or principles for the determination of questions of fact when facts are in dispute. It need not be assumed that the earliest interposition of the community or the state in a dispute must have involved a determination of questions of fact. On the contrary, it is quite conceivable that the state interposed only for the determination of the amount of justified revenge or composition where the fact of the injury was not in question. Questions of fact seem to have rarely troubled people in ancient times where people lived in small communities in which everyone knew about every body else's affairs very well. In the Njaals Saga the murders which are compounded for by the heads of families never seem to have raised troublesome questions of fact. The facts were taken for granted. The only question to determine was the amount of compensation. Soon, however, disputes would arise in which facts were not undisputed; one side averred facts which the other side disputed. The community would have to decide in such cases what the facts were.

How was this to be done? The normal course in modern society would be to take evidence on both sides and weigh their respective values. That is the procedure which we find developed at a very early stage in Hindu law, where the earliest extant laws lay down that the king was to determine the truth from the testimony of witnesses. So too in other early systems in which judicial procedure has become fairly developed. But by a critical examination even of these sources we can trace the existence of an earlier stage which existed everywhere. In all ancient systems of law there is, by the side of the testimony of witnesses, another means of deciding on facts, namely, ordeal or appeal to divine testimony. Besides, the testimony of witnesses also was really tested by divine sanctions. The evidence considered was evidence given on oath. When a man takes an oath, he is invoking the gods to bear witness to the truth of his assertions and, the idea is that he is laying himself open to certain divine judgment if he speaks an untruth on oath. This indicates that in its origin even the testimony of witnesses depended for their value on supernatural testimony. This is indicated by the Hindu law, in which oath is regarded as a species of divine testimony (*divya*). The belief is also clearly expressed that if a man takes a false oath he always suffers punishment by miraculous means.

This leads us back to an earlier stage of legal procedure in which the only means for the determination of the truth about facts in dispute was an appeal to the gods in some form or other. We must remember that in most cases the judges were the entire community, of which the accused was a member and generally speaking, the facts of the case would be known to them personally. No question of proving facts therefore would ordinarily arise. Where the facts were known to none of these persons, what other means could these rude people have but to call upon the gods to show what was the truth? Generally speaking, however, it seems that divine testimony

was appealed to when the judges were *prima facie* convinced of the guilt of the accused person. Where judges decide upon their personal knowledge this would very often be the case, for no one would be lightly charged with an offence where the fact was not more or less notorious. In each case the accused could appeal to divine testimony against the human knowledge.

There have been various forms of ordeal in different parts of the ancient world and amongst backward races of to-day.¹ Ancient Indian law and usage had various modes which ultimately survived in four chief forms recognised in judicial procedure—the ordeal by fire, by water, by the balance and by poison. The fire or water or other instrument of divine testimony is first sanctified with magic formulae by which it becomes charged with divine power so that through its action the judgment of the gods is indicated. We may see that as society progresses, ordeals tend to grow more and more humanised. The absolutely primitive ordeals are such that no man could come harmless through them except by a miracle or by accident or fraud; and the test would normally terminate in death, in the absence of a miracle. But ordeals in more developed societies are neither so very impossible nor so drastic in their consequences. Thus, while the fire test in absolutely primitive society generally requires one not to get burnt after entering a blazing fire, the same test in later Hindu texts involves only the placing of a red-hot iron-ball on the palms of one's hands which is fairly well-covered with leaves, crushed grains and grass. With this red-hot ball the accused goes round a marked spot for seven times. If his hands are not burnt he is not guilty. This test might be successfully gone through, and, if it failed, it did not kill the accused but only burnt his hands.

¹ For various forms of ordeal see Hastings' *Encyclopedia of Religion and Ethics* under *Ordeal*.

Judicial combat. The judicial combat was a special form of appeal to divine testimony which we seldom find in the most primitive strata of law. There is a great deal to be said in favour of the view that it is really a survival of the primitive private vengeance with a modified significance. An injury led to conflicts between opposing groups and a single combat between leaders of opposing groups was often resorted to as a substitute for a general fight. Of this single combat we find numerous instances not only in the Mahabharata but also in definite historical instances in ancient India. It was also a common institution among Norsemen. Both in India and amongst the Teutonic races we find the association in course of time of the issue of this single combat with the intervention of the gods. In India the view that in such fights the gods sided with the right, does not seem to have led to the development of this single combat as a means for determining the rights between parties in a litigation. This however was what happened among the Germans; and, in the Middle Ages, this became one of the most usual modes of determining disputes as between knights. In England judicial combat by hired champions flourished very long.

Oaths. The mildest form of appeal to divine testimony is the oath. It is founded on the generally received belief that when a person makes a statement with a definite formula or with a particular formality, the gods would miraculously punish him if he speaks an untruth. The earliest idea seems to have been to let a man clear himself by his own oath. This seems indicated by some texts of Hindu Law. But a more familiar institution is the compurgation, an institution of the Middle Ages, which had its roots in a remoter past. In this procedure a number of persons, belonging to the group to which the accused belonged came forward to swear to the innocence of the accused person. They were not witnesses; their chief value seems to have originally consisted in adding strength to the divine testimony implied in the oath of the accused.

The value of the oath at this stage, whether it is the oath of the defendant or that of his compurgators, lies in the appeal to divine testimony. When a man takes an oath, he lays himself open to punishment by miracle. If he is not punished, that is divine proof of the truth of his assertion. It is on this basis that the defendant was apparently let off. But a stage is soon reached at which the complainant also offers, and is permitted to offer his oath, and possibly the oath of his kinsmen against that of the accused. In such cases it was probable that an ordeal would be the normal resort. But eventually, out of this placing of oath against oath is evolved the practice of judging between opposing oaths or the weighing of testimony of witnesses.

Oath originally a form of divine proof.

Weighing of evidence gradually developed.

Some such history of the origin of a law of evidence may perhaps be indicated by the provisions of some ancient systems of law insisting upon a minimum number of witnesses in favour of a party. The number was probably the original number of compurgators. The fact that witnesses have to take their oaths and thus place themselves under the judgment of gods is also suggestive of the ultimate historical origin of the law of evidence in the ordeal and appeal to divine testimony.

A historical study of the ancient Indian law of evidence shows how tardily the essential idea in the modern law of evidence, that the evidence has to be weighed by reference to experience about probabilities in order to ascertain the truth, grew up in ancient society. The earliest rules of evidence are hemmed in by artificial rules with regard to the number of necessary witnesses, the classes of persons whose evidence can be received, the variations in the law of evidence with reference to the witness's castes and so on. As we go on, we find these artificial rules dropping off, till, in the latest of the smṛiti texts the most common-sense rules for testing and weighing evidence are laid down.

Slow development of a rational law of evidence.

When the evidence of witnesses as means for deciding on facts is evolved it does not mean that divine testimony is altogether abolished. On the contrary, all ancient systems of law have ordeals by the side of a law of evidence. Even compurgation survives, as it did in the wager of law in England, long after courts have begun to weigh facts. But the testimony of witnesses tends to push the other forms of proof more and more to the back-ground. In the Hindu Law of the later smritis for instance, ordeal is not permitted where human testimony exists. In some other texts it is retained as the last resource of persons who are accused of very grave offences for clearing themselves. In all other cases *divya* is disallowed. In this way divine testimony gradually disappears before human testimony, as society advances and the judicial tribunals get greater experience in weighing evidence.

It is hardly necessary for me to mention that the human testimony is always the oral evidence of witnesses in ancient systems of law. Documents come into existence much later and they are at first given very scanty recognition. In Babylon and in Egypt where the early spread of the art of writing led people to embody their judicial acts in fixed and unalterable form of documents, the evidentiary value of documents naturally became very high. In early Hindu law, although writing was at that time known, written evidence (*lekhyā*) is never mentioned as a form of proof. When we find it first mentioned as a mode of proof, documentary evidence has not yet acquired anything like the importance of the sworn testimony of witnesses. In the later code of Yajñavalkya, on the contrary, the testimony of documents is considered to be of greater weight than the testimony of witnesses. This corresponds to the growth of a spreading habit of embodying legal transactions in documents, testified to by other texts of Yajñavalkya.

Evidence tends to
push back divine
testimony.

Growth of Document-
ary evidence.

Religious element
in the law of procedure.

The fact that divine testimony was the sole means for determining the truth about matters in dispute naturally made litigation an essentially religious institution. I have referred before to this feature of ancient judicial procedure. The *Legis Actio Sacramento* in Rome, and litigation generally, was so far a religious institution that the Pontiffs entirely controlled it. They determined the *dies fasti* and the *dies nefasti* and declared the auspices which must be observed in litigation. The *formulae* essential for a litigation were only known to them. In fact, no litigation could be commenced or carried on without the assistance of the Pontiffs. The religious character of litigation is even more pronounced in Hindu law. It is not only because the law administered is a part of religion and is known to and interpreted by the sacred caste that litigation is looked upon as sacred. Another and perhaps a more important reason is that in litigation the important thing is to determine the truth—which could only be done by appeal to divine tests by way of ordeals or oaths. In each case special *formulae* of magic import had to be uttered to bring down the power of the gods for the determination of truth.

The association of litigation with religion accounts for much of the formalism which is a pronounced feature of the ancient judicial procedure. Formalism is almost always intimately associated with magic. When a transaction is supposed to lead to supernatural consequences, primitive mind naturally tends to attach the supernatural consequence to some definite thing said or done in the transaction. This word or act of magic import is therefore repeated with scrupulous accuracy by every one who wishes to produce the same consequences. In this way there grows up the formalism of rituals. Natural reasons may explain the first prototype of the ritual, but magic alone explains, in most cases, why the ritual is followed in all cases. Litigation, in so far as it always called gods to witness was a very important ritual, every

Formalism of ancient procedure.

step of which was instinct with magic and must therefore be scrupulously followed. A single false step, an unsuspected lapse in going through the formality might spoil its magic effect and make the appeal to divine testimony entirely futile. That is why primitive and ancient trials are so formal and elaborate. And this original formalism, when it has become habitual, sticks to litigation and law long after they have shed their religious associations, as they did in Rome.

B.—Initiatory and Execution Proceedings

There is one important feature of ancient juridical procedure which must not be forgotten. I have mentioned before, that ancient adjudication only sought to regulate self-help. The right of every person to seek revenge or reparation of an injury by his own efforts and those of his kinsmen was recognised. The king or the arbitrator or the community only sought to determine the extent of the reparation he would be entitled to claim. Or, in other words, the early courts only decided disputes. A modern judicial procedure involves not merely the decision of disputes, but also, in the first instance, the summoning of the defendant and witnesses and, after the decision is given, the execution of the decree. In early judicial procedure, on the other hand, these things are entirely left to self-help. In the *Legis Actio* procedure, the *in jus vocatio* was entirely an act of the party. It was the plaintiff's business to take the defendant to the court and, for this purpose, he had a right of arrest (*manus injectio*) in some circumstances. In Germanic laws we find the summons given by the party in a set form.¹ In India, in the earliest laws we hear nothing of any process of the king to summon the defendant or the witnesses. Though in the developed judicial procedure it is laid down that the court must summon

¹ Vinogradoff, *op. cit.*, I, 353.

the defendant and the witnesses by its own officers, it appears that in the earlier stages, the plaintiff had the right to prevent the defendant, by fear of supernatural punishment it may be, from evading justice and even arresting him for the purpose of taking him to court.

In the matter of execution of judgment also the position seems to have been similar. When a judgment had been delivered—and it must be remembered that all these ancient judgments, where they were not for a measure of revenge, were for payments of certain sums of money—it became a debt and the judgment creditor could only realise that debt by his own power. The two familiar ways of enforcing repayment of debt were arrest of person and distraint of the goods of the debtor. This was not the right of the judgment creditor only, but of all creditors. We read in Hindu law that a creditor was entitled by law to realise his debt by means of force or fraud, restraint or various other forms of constraint.¹ And if a debtor complained against that, all the king could do was to compel him to pay the debt.² In Rome we find a nexal creditor was entitled to arrest the person (*manus injectio*) or distraint all his goods (*pignoris capio*). Maine has pointed out the existence of this custom of distress amongst the Irish, Germanic and other races also. In India there are also other modes of realising debts of which fasting at the door of another was one of the most characteristic.³ This meant bringing down injury by supernatural agency on the householder and as a means of restraint, it was hardly less effective than arrest or attachment of goods.

The judgment creditor was thrown on his own resources therefore, for enforcing his decree though his rights were of a very drastic character. The enforcement of these rights depended upon his own power to do so. Besides, the enforcement of rights

Execution of judgment in ancient laws.

Growth of judicial processes for summoning and execution.

¹ Manu, VIII, 50.

² Yajr. II. 40.

³ *Acharita* in Manu, VIII, 50.

in this way led to trouble. We therefore find that in course of time every society develops a procedure in which judges undertake not merely to decide disputes when they are brought before them, but also to bring the necessary parties, and their witnesses before them by the use of the State authority and when a decree is passed, to compel the judgment debtor to obey it by means of processes of execution. The history of this evolution has been different in different countries and the forms which the laws have taken have widely varied; but the tendency of the laws to provide processes of this character is universal.

I have mentioned before that the early judicial remedies were always in the form of decree for the payment of a certain sum of money. The formula of the Roman Law always stated in the *condemnatio* that the judex was to condemn the defendant in a sum of money stated in the formula or a sum to be determined by the judex *ex æquo et bono*. The Germanic laws are all in the character of tariffs for the payment of sums of money for different varieties of injury which may be inflicted. We see the same thing to a certain extent in the very early Indian law. In England, law *i.e.*, the common law, could only give remedies in the form of damages in a certain sum of money, except in a limited number of real actions and it was only by the intervention of equity that other modes of enforcing judgments which would be more adequate was made possible. This arose from the fact that primitive judicial procedure was in the form of a composition for justified revenge, the plaintiff being compelled to receive money-damages in lieu of retaliation.

Sooner or later however, every system of judicial procedure discovers that money damages do not give ample remedies in all cases of wrong and gradually develops processes for giving specific restitution of property or enjoining a party from doing a wrong and such other remedies. The development of the resources of adjudication while it shows itself in the multiplication of wrongs for which remedies are provided, is also

manifested in the provision of new forms of remedy for those wrongs.

C.—*Topics of Law*

Evolution of Law
as indicated by topics
of Law.

Some light may be obtained with regard to the question of the evolution of law generally from a study of the primitive judicial processes. If we look into the primitive laws of the Semites or of the various Germanic races we find that the great bulk of their laws consists of penalties for personal violences. In the *Legis Actio Sacramento* we find a much more advanced condition of society in which two persons are found disputing their rights to some property. But the point to note is this that the *Prætor* does not interfere until the parties are threatening violence to one another. In Hindu Law also we find, the same early origin of law, in the repeated insistence in early law on the king's duty to prevent violence and theft. There is abundant evidence in Hindu Law to show that the first things that the king sought to prevent by means of judicial remedies were *sāhasas* and it was only gradually that other forms of wrongs came under the cognisance of law. A *sāhasa* originally meant something done with violence. It came however to include many things later on and to be at one stage identical with crimes generally. But the rudimentary idea is that of a violent wrong. It seems to be fairly evident that in primitive society the interference of the community either in the clan or in the more developed society, tribe or state was due to a violence done or threatened. And legal remedies originated in such interference.

The earliest form of injury relating to property which we find redressed is probably theft. In some societies adultery as well as theft are punished to the same extent as personal violence. A close study of the topics of litigation in India shows that, quite early in the history of laws, debt is a head of litigation

side by side with the violence offences and theft. We see the same thing in the laws of other countries. The first distinctively civil action which is recognised in law is, generally speaking, an action for the recovery of a debt. What could have led to this circumstance can only be imagined. Some clue to this inclusion of debt side by side with theft and violent offences may be found in a consideration of the nature of debt in ancient law. Everywhere we find that the penalties provided for non-payment of debt are of a very drastic character. In Rome the debtor, if he failed to pay, could be made the bondsman of the creditor or sold as a slave or even be cut into pieces and shared by his creditors in revenge. In Hindu Law the creditor is fully entitled to have recourse to any kind of force or fraud for the purpose of enforcing payment and the debtor has no remedy against such self-help on the part of the creditor. The Hindu law also gives an insight into the psychology of the earliest days in the conception of the terrible condition of a debtor in hell if he died without payment of his debt. All these indicate that non-payment of debt was looked upon as a species of crime. It was, in a way, on the same footing as theft inasmuch as, like theft, it was appropriating what was not one's own. This seems to have been the reason why we find debts amongst the earliest topics of litigation in ancient times in India as elsewhere. Next to debt, an action for the recovery of property wrongfully taken by another, even where there is no violence, comes into prominence. These three classes of actions, namely, actions for violence to one's person, for non-payment of debts and for recovery of things wrongfully taken, lie at the root of the entire evolution of the various forms of civil law. The course which the history has actually followed in different countries have varied greatly but I think it can be laid down as a general proposition that these three forms of action were the roots out of which the entire civil law was gradually evolved.

CHAPTER X

THE LAW OF PROPERTY

Property is perhaps the most important and the most complicated and extensive branch of modern Proprietary rights. laws. In proprietary rights we distinguish various kinds of rights, ranging from mere occupation or detention of a thing to ownership. When a man is in physical contact with, or has actual control over, any property he is said to have the detention of it. When this detention is accompanied by a right to possession which could be enforced against any person who sought to interfere with the right, it is called the right of possession. But ownership is a much fuller right which implies not merely the right of possession but in fact an absolute power to deal with the property as one chooses, subject, no doubt, to the rights of other people and of the state. Between these limits lie a large range of proprietary rights of a more or less limited character.

Jurists have often speculated about the origin of property. Theories of the origin of property. Blackstone thought that the right of ownership belonged, by the law of nature, to the first occupant, or in other words that ownership arose out of occupation. Savigny, speaking of the Roman law only, says that, according to that law, property originates in adverse possession, ripened by prescription, or, in other words, that when a person has been for a sufficiently long time in possession of a thing he is deemed to be the owner of it. This is not identical with Blackstone's theory but is a statement of a historical fact and has nothing to do with the origin of ownership as a human institution. But Maine's theory. this has been made the foundation of a theory that property originates in occupation. Maine combats this proposition and points out that, in the first place,

it is not the first possession which constitutes the essential part of property in early Roman law, or anywhere else, but rather the element of long continuance which is represented by the Roman concept of prescription. It is not therefore proper to say that ownership originates in occupancy. It would, according to him, be truer to say that the doctrine of occupancy follows at a later date, when the right of ownership is already well-established and every thing is regarded as necessarily importing the existence of an owner. In the second place, Maine points out that this theory, as well as all theories of a similar character, supposes that man owned property in primitive society as an individual. But, in point of fact, it was not the individual but the corporation of which the individual was a member that really mattered in primitive society.

Maine's thesis, based upon his reading of the village communities of India, of Russia and of the Slavonic races of the Balkans is that in the most ancient times property belonged jointly to the entire village, which consisted of people who actually were or supposed themselves to be descended from a common ancestor. These villages were thus similar to the Roman *gentes* or German *Hauses*. In course of time property came to be temporarily divided between different families and we find this system in the Russian villages. Still later, the property is divided permanently so that the shares assigned become the absolute property of the families, as in the Indian village community.

One of the chief foundations of Maine's theory has been seriously disturbed by the further study of the Indian village communities, which shows that the type of the village communities which Maine describes is not the only type, nor perhaps the most primitive type of the village in India. Baden Powell, with a command over far ampler material than was available to Maine, established beyond doubt that the *ryotwari* village in which the lands were the absolute separate properties of the

Defects in Maine's
theory.

families was apparently the more primitive form of village community. The lands really were the separate property of the villagers although some common functions were performed by the village officials. According to Baden Powell, the communal village, in which the lands were jointly held and apportioned between the families for enjoyment, was a development out of the original ryotwari type of villages in which the land was held by each family separately. The existence of village communities in ancient Anglo-Saxon society, upon which a great deal of reliance was placed by Seebohm has been severely criticised by Pollock and Maitland who have pointed out that these communal institutions were not primitive and that individual ownership existed, in point of fact, at least as far back as you can carry communal ownership.

There is reason also for holding that joint ownership of property by the family was not necessarily the most primitive form of ownership. On the contrary, looking at the most primitive strata of Indian law one is disposed to conclude that the right of the individual in the shape of the father was recognised in the beginning and it was only by a gradual process of limitation of the father's rights that the joint ownership of the father and sons was established. In the primitive law in India as elsewhere, so far from the son being looked upon as a co-owner of property, he himself was, as we have seen before, looked upon more or less as the absolute property of the father. It was probably when society was scandalised by the unnatural conduct of a father in exercising his authority over the son against the dictates of natural affection and religious duty that limitations were placed upon the father's rights such as we find in the provision of the Twelve Tables,¹ that when a father sells his son

¹ A somewhat similar idea is found in Sunahsepa's answer to his father who had sold him to be sacrificed but claimed him back when he was saved. Sunahsepa did not answer that by sale the father had lost his right, but urged that the father had lost his right by reason of his cruelty in agreeing to kill the son, conduct so heinous that it is not even found among Sudras. Aitareya Brahmana (translation in Maxmüller's H.A.S.L. Panini office Ed., p 215).

thrice into slavery he is deprived of the right of fatherhood ; or the provision repeated in the early Hindu law that the father should not alienate the family property so as to deprive his son altogether of maintenance. In course of time these restrictions were developed in ancient India into what is supposed to be the characteristic of Hindu law, though it was not really universal or primitive in Hindu society, namely, the Mitakshara conception of joint ownership of the father and sons.

With respect to the other branch of Maine's proposition, namely, that property did not originate in occupation, it is no doubt out of question to formulate an exact history of the early origin of property in the graphic style of Blackstone or to proceed upon the assumption that primitive men started on the basis of mutual convenience to establish rules which are most conformable to the sense of fitness of things of the modern man. This is no doubt not justifiable nor is it possible perhaps, as a matter of jurisprudence, to lay down how the notion of property actually originated. But it is worth while noticing a few facts of early legal history and of societies in a primitive state of civilisation, which perhaps give a clue to its genesis and early history. The first of these facts is that immovable property was recognised by men at a much later date than movable property.

Important facts of the history :

(1) Movables recognised as property long before land.

People had their ownership established in movables like cattle, sheep or household goods or slaves long before land became the subject of ownership. When property in land came to be recognised, the notion of property was already there and all that was necessary was simply to include land among the various kinds of properties. This we find illustrated by a large mass of evidence, of which I shall mention to you only the fact that even in early Roman law, land was not recognised as *Res Mancipi*. It is possible that at that time land had not much value. Whatever use land might be put to was made by all people in common. But

at a later date when land became valuable, and it was looked upon as property, all that the Romans had to do was to classify this property with the *Res Mancipi* and thereby attract to it all the provision of the law relating to property of that description.

The next point to note is that apparently the earliest remedies in respect of properties were remedies for recovering possession or damages in respect of things which are in a person's possession. This is most prominently illustrated in the Germanic laws where the right of pursuit belongs to the person who is not necessarily the owner, but the possessor of the property. Similarly, later on, legal remedies were also available, primarily in respect of possession. Pollock and Maitland have very clearly brought out the fact that all the actions available under early English law for recovering real property, were essentially possessory actions. In point of fact, property really represents little more than old possession in English law, till the law is modified by recent statutes.¹

What do these things indicate? Do they not make it very possible, firstly, that in the infancy of society it was actual possession of things which people habitually respected? It is impossible to say how this respect for possession could have arisen.² We may imagine that when the society awoke to self-consciousness in respect to this fact they found that a person in possession of a thing which was regarded as being of any significance was, as a matter of fact, allowed to retain such possession; and, as the tendency of primitive men

Property probably developed out of possession.

¹ Pollock and Maitland, *History of English Law*, Vol. II, Ch. IV.

² Fustel de Coulanges in *The Ancient City* puts forward a theory *re* the religious origin of property growing round the sacred fire. The theory, besides being highly conjectural, labours under the serious defect that it practically seeks to identify property with land. If, as is clear, considerable advance was made in the notion of property before land came to be recognised as property, it is hardly necessary to build up the notion of property round the house-fire. The growth of agriculture and pressure upon land would easily explain the growth of the conception of property in land without labouring the religious theory.

is primarily to follow custom, this continued to be the law. When this was the law, the only kinds of property or things in respect of which any proprietary rights could be conceived, were movables. At a later date, permanent possession and right to possession became dissociated from the mere fact of temporary actual possession and the rudiments of property may have thus been established as involving a right to enjoyment or right to exercise power over things. When agriculture developed and waste lands were brought very largely under cultivation, this notion of ownership became gradually transferred to land.

Another important fact to note about the primitive and ancient notion of property is that it did not imply, as the concept of property implies to-day, absolute and complete control over the subject-matter of property. Ownership implied a right of enjoyment and, in so far as enjoyment implied a destruction by consumption of the property, it implied a right to destroy. But alienation of property was very seldom contemplated; at any rate, in respect of immovable property it does not seem to have been contemplated at all in early times. So soon, however, as people began to acquire the habit of alienating immovable property, we find restrictions growing up in various forms in various societies; and underlying all these restrictions we find the growing notion that immovable property is the fund for the maintenance of the family. In Hindu law, as I have said elsewhere, these restrictions ultimately matured into a notion of joint ownership of father and sons in ancestral immovable properties.

We get it then that, to start with, the notion of property developed round movables long before agriculture was known and land became valuable. The notion of property at this stage could not have been materially different from the notion of possession. In fact, even at a much later stage of evolution of the concepts, property and possession were not really

Property did not necessarily involve absolute power of disposition.

differentiated, though different grades of possession were distinguished. When land became useful it gradually came to be recognised as property.

It is here that we come up against the notion of joint ownership. Joint ownership in some form or other is found to exist in the early stages of many societies. Thus for instance in ancient Germany land was annually redistributed between the families of the village, and each family became owner of the produce of the land allotted to it. In Greece on the contrary land was allotted to families permanently, but the harvest was brought to a common granary and enjoyed in common. Besides these there are the various types of village communities referred to by Maine, in India, Russia and the Highlands of Scotland. In Rome too it is probable that at one time the *Ager Romanus* was public property and was let out for cultivation on payment of a vectigal or rent.

Even where lands are distributed among the families, we find, in many cases, that limitations of various degrees are placed on the powers of the head of the family in respect of its enjoyment. Restraints of various grades are imposed upon the alienation of the landed property in the interest of heirs, till we find such restraints maturing into the recognition of a right of co-ownership of sons and grandsons.

From these facts it has been concluded, that land was at one time common to the entire village and it was by gradual stages allotted to families absolutely. Even when it was so allotted, it continued to be the joint property of the family and it gradually became individual property. The evidence at our disposal hardly justifies this elaborate conclusion. On the contrary, such restrictions as we find can easily be explained on an absolutely non-communistic basis.

Let us conceive a community just settling down to agriculture. So long as they were nomads they had no

need for land. The whole world was their land. But when they settled down as agriculturists, land acquired greater importance for them. So long, however, as there was plenty of land available, every one squatted where he liked and cultivated what land he could. We must remember that primitive cultivation did not necessarily imply ownership of land. Even at this day, Kukis carry on cultivation on the *jhum* system over entire hill-sides in Tippera and Assam and shift from place to place every year. It was only when agriculture became fairly developed and systematic and the population sufficiently large, that questions of possession of land for purposes of cultivation became of importance. It now became important that every family should have enough to cultivate and none should have an unfair advantage. All the various forms of restrictions of property rights in land may have normally arisen out of this need for the adjustment of the agricultural needs of the entire community. Under different cultural and economic environments the various differing systems may have arisen quite independently. Some of these forms may have evolved out of others, but there are no materials on the basis of which we can say that any specific form was the evolute of any other. Far less is there any reason to justify our placing all the forms of land organisation in one chain of progressive evolution. The Highland system may have been the most primitive as Maine supposes, or, as is more likely, it may have been the result of a long course of evolution out of any of the other systems under the influence of the special environments in which the Highland clans were placed.

There is no communalism on early Aryan law.

It seems certain however that the Aryan race, before their separation, did not have communal agriculture or communal ownership. The remotest antiquities of India, Rome, and Greece alike negative the idea and in India itself communal and joint family ownership were almost demonstrably later institutions developed

under the influence of their special environments, after land had become an asset of value more or less limited in supply. With regard to the restraints on the alienation of property it is almost demonstrable that they were not parts of the primitive law. Thus in Indian law we find on the one hand kings in the Vedic times performing the Visvajit sacrifice at which they gave away everything they had without regard to the interests of their sons. We find Haris Chandra giving away his kingdom to Viswamitra and selling away his wife and son and himself into slavery. All this is conceived as possible. On the contrary we find a text of the law stating that land is given only with the consent of one's village, one's kinsmen, the chief and of one's heirs (dayada)." We have limitations likewise on the powers of a person in the alienation of immovable property, because "those who are born, those unborn and those who are in the mother's womb, all look forward (to it) for their maintenance."

These conflicting laws can be understood if we remember what we observed in an earlier chapter, *viz.*, that early legal statements are very often too wide or too narrow. As time goes on limitations have to be placed on them in order to make them correspond with the actual law. It would appear that in the earliest stage of ownership it is stated to be absolute, without necessarily implying a really free disposition of property, for the simple reason that alienation was very exceptional—the man who had got a property usually kept it. In course of time as alienations came to be desired and lawgivers found that the freedom was being exercised beyond the limits which could have been contemplated in the original law, restrictions began to be imposed. When land belonged to a family, the head was of course the owner, without any restraints on his powers to start with. But when owners actually sought to alienate land so as to deprive the family of its maintenance out of the land, which was either not really contemplated in early

Growth of restraints
on alienations.

times, or which was contrary to expectations formed by long usage, the right of the owner was sought to be more narrowly interpreted. The owner was supposed to be incapable of alienating land without the consent of his sons and grandsons ; or, in other places, he was prevented from alienating the entire property or the bulk of the property so as to leave the family without adequate maintenance. In India, as I have said before, these limitations grow and develop till a school of jurists of a later age interpret them as implying a right of sons by birth in ancestral immovables. Elsewhere it ended in the provision of an inalienable fraction of the property or legitim.

Similarly when land in a village was owned by a villager, it was understood that he would occupy it himself. If he did alienate it, he would naturally give or sell it to his co-villagers. In course of time however there may have arisen the possibility of a sale out of the village. But when the lawyers said that this was not permissible without the consent of the villagers, they were not necessarily stating a new fact, but they were making a new law in so far as they were applying in some form the tacit presupposition of the old law to new facts.

It is out of question, as has been observed before, to try to frame a general course of evolution which must have been followed by the law of property everywhere. In historical times we know that not only different courses have been followed in different societies, but the courses have sometimes been totally contradictory to one another. In some societies we find that restrictions on alienation are emphasised and made more rigorous, till landed property gets altogether fixed in families. In other societies, which started with identical institutions, the restrictions such as they were, are gradually explained away and eliminated till the power of free disposition is reached. One thing is quite clear, however, that restrictions on the enjoyment or alienation of property was no part of the earliest laws of man in any society whatsoever. Property (which, as we have seen, is indistinguishable from possession in primitive law) when

it is first conceived, is supposed to involve unqualified powers. Restrictions on those powers are imposed later. On the other hand, disposition of any property as a fact was an exception rather than the rule in primitive society.

At a fairly early stage of social history everywhere we find restrictions are imposed on the power of free alienation, either in the interest of the heirs or of that of the entire community. Some restrictions are also imposed in the interest of the royal revenue, where, as in India, land furnished a substantial revenue to the State. The result of this is a fairly complex system of rules which lend themselves to various lines of development under varying influences. At some stages of evolution we find a tendency to discourage alienation. At others, society tends to encourage free circulation. A fine historical illustration of the way in which the opposing forces sometimes alternate in the history of the same society is furnished by English law. The history of English Real Property Law after the conquest opens with inalienable estates. The tenant in fee, whether simple or in tail, holds a life-interest and his heirs take a vested interest after him. We find however that in course of time the courts begin to explain away the words vesting estates in heirs as words of limitation and not words of purchase. The legislature at one time sets its face against the freedom of alienation in respect of estates tail at least, but in course of time lawyers again contrive to find fictitious processes by which to defeat these provisions of the legislature. The result of the conflict of the opposing forces encouraging and discouraging alienation has been the ultimate freeing of landed property from all restraints.

In India we find the opposing tendencies working through the entire course of history and giving rise to conflicting texts relating to the disposition of property. Conflicting tendencies are noticed in later history of law as well. Commentators and text-writers

Restraints on alienation in English law.

In Indian law.

working on the basis of this conflicting body of laws arrive at contrary conclusions, so that, ultimately, while Vijnaneswara declares the father and sons equal owners of property, Jimutavahana on the contrary stands out for the absolute ownership in law, of the father, subject to moral restraints which do not invalidate alienation by the father, if made without totally depriving the heirs.

Determining factors
in the history of res-
traints on alienation.

These two opposite tendencies are found to operate alternately or together in the history of every progressive race. Alienation is sought to be restrained in the interest of heirs and co-villagers. On the contrary there are sound social reasons why alienation should be sought to be promoted. As trade and commerce increases, there must grow up a feeling in favour of free circulation of property. That is perhaps why in Babylon of all the ancient states, we find the greatest freedom in the matter of alienation of all kinds of property. But commerce was not the only force which operated in favour of alienations of property. A very potent factor in this respect has been religion. Religious gifts form a part of the earliest laws and institutions of India. Gifts most favoured in the earliest days of India were gifts of cows, and later, of gold and, apparently still later, of land. And as time went on, we find the great religious merit of gifts to Brahmans extolled. At a much later date, in the controversies about the alienability of land we find the strongest arguments centring round gifts for religious purposes. In England too, the influence of the Church went a great way towards removing the shackles on alienation of land. Gifts to Churches and religious bodies must have become very common, enough to cause alarm, before the Statutes of Mortmain were passed. Yet again, it was in the interest very largely of the religious houses that the Mortmain Acts were circumvented by the Use. By the time the Statute of Uses was passed, the Use had acquired a considerable standing and other great interests had centred round it, but the interests of the Church

still played an important part in the circumvention of the Statute of Uses and the creation of the modern Trust.

As soon as we find a law of property, along with restrictions on the alienation of property we find, in every system of law, a classification of property. Starting with the theory that property was originally incapable of free alienation, Maine looks upon this classification as one of the devices by means of which the first steps towards free alienation were taken. As we have seen, there are good reasons for demurring to Maine's thesis about the antiquity of restraints on alienation. Maine's statement is undoubtedly true to this extent however that restraints on alienation invariably go with a classification of property. In no primitive law do we find restraints in respect of all kinds of property. There are some which are deemed to be of greater value than others and it is these which are hemmed in by restrictions. In fact the classification of properties in primitive and ancient law gives us a very important clue to the relative value attached to the various species of property at the time when the classification first came into existence. In Roman law we find the distinction between *Res Mancipi* and *Res nec Mancipi* at the very start of the historical epoch. *Res Mancipi* originally included implements of agriculture, slaves and cattle, but not land. This indicates that while agriculture had risen to considerable importance, land was not yet property. So soon as land becomes property, it is included under *Res Mancipi*.

It was probably some such reason of importance that lay at the root of the distinctions of between various classes of property everywhere. One class of property is superior to another, whether by reason of its economic or social or religious value. Some classes of property give a higher social status, irrespective of their economic value. Or again some kind of property may be of superior religious interest. The hearth and home, for instance, was intimately associated with the religious life of the ancients and, on that account, prized above every other

kind of property. For one reason or another, one class of property was placed in a position of superiority over another and thus gradually classifications of property were evolved.

It was a historical accident perhaps that Hindu jurists stumbled upon the scientific distinction of moveable and immoveable property from the very earliest stages of the law. Immoveable property (sthâvara) was placed in a category apart. To it was assimilated the slave and, later on, certain incorporeal rights called Nibandhas in the Dharmasastras. But in the beginning immoveable property was distinguished as a category apart. It is hardly likely that we should ever be able to know precisely the reason which lay behind this superiority of land. It was assuredly not the earliest kind of property known. There was apparently a time when cattle were the most valued kind of property. The distinction given to land at a later date may have been due to purely economic reasons, such as, for instance, the superior stability of this kind of property, or it may have been due to religious reasons, such as are suggested by Fustel de Coulanges, in so far as landed property grew up round the sacred hearth, or simply to the fact of the enormous importance which agriculture acquired in the society.

CHAPTER XI

LAW OF CONTRACT.

If you take up a modern code or Encyclopedia of the laws you will find a general principle, subject to some limitations, natural or artificial, that where a man has promised to do or abstain from doing a thing under circumstances under which the promisee would actually act on the faith of it, he is bound to keep that promise. In different systems of law different conditions are necessary so that the promise may become actionable. In English and British Indian law, what is required is that the promise must be accompanied by a consideration, unless it is embodied in an instrument executed with certain formalities. It is different in France and Germany. But the differences are only different efforts of the legal mind under divers conditions to find the true limitation to the general principle which would make the doctrine workable and equitable.

The doctrine is really of wider application than this. The promise made and accepted is only a species of agreement, which is essentially a union of two wills. Where two minds are at one that something shall be done or abstained from, it shall be done or abstained from, if the agreement satisfies the other conditions of validity. That is how you may state the modern law of contract.

It is a very comprehensive concept and embraces a very wide range of legal rights and obligations. In a sense a sale or absolute transfer of ownership is a contract in so far as it is a juristic act founded on consent. But where, as in a sale, the effect of an act founded on consent is in substance, to terminate the jural relations between the parties, it is convenient to exclude the transaction from the sphere of contract and limit the term to cases where outstanding rights and obligations are created

by the transaction. There are many cases of transfer of property however which create contractual obligations, such as lease, mortgage, etc. Marriage in modern law is a species of contract. Debt, deposit, contract of marriage and numerous other transactions are looked upon as only species of contracts.

If you look at ancient systems of law, even fairly developed ones, you will find this concept conspicuous by its absence. You will find debt, lease, sale, agreement of service, pledge, exchange, agreement to sell, promise to give and so on, but no general conception of contract. Take, for instance Hindu law as you find it in the advanced codes of Narada or Brihaspati. You find several heads of obligations which modern jurisprudence would bring together under the common concept of contract. There are debt, deposit, pledge, promise of gift, partnership, contract of service for wages, leases and other contracts relating to land, and sale. But Hindu law knows nothing of a general theory of contract, under which all these various transactions might be brought. In Babylon we have a very highly developed commercial law and contractual relations form a large part of the laws of the country. But there too there is no general theory of contract. Even in Roman law which has given us the word, it is doubtful how far a general theory of contract was developed before the days of the glossators, that is, before Roman law ceased to be the territorial law of Rome.

The fact is, that a general theory of contract has everywhere been the result of a generalisation made by jurists from a number of legal relations which were evolved without reference to any such theory. The earliest notable attempt to trace a history of the evolution with reference to Roman law was made by Maine. His theory is that all contracts are ultimately derived from sales. The earliest form of contracts in Rome was the Nexum.

Absence of a general concept of contract in ancient law.

Maine on the history of the law of contract.

The original Nexum according to Maine was a sale on credit. Mancipation was a sale for cash. When however the price was not paid, the parties remained bound to each other to complete the ceremony by payment of the price. That is how the notion of obligation originated. Later on Nexum developed into a transaction by which loans were given and debts created. It was an extremely formal transaction with copper and the scales and its legal effects depended entirely on the proper performance of the entire ceremony, the actuality of the consent of the parties being hardly material.

The special importance of the Nexum lay in the power it gave to the creditor over the debtor, the power to make the debtor his bondsman if he failed to pay the debt. When this power was abolished, Nexum gradually went out of use and its formalities were dropped. The essential thing in the transaction was now supposed to be the transfer of property from the creditor to the debtor. This idea led to the development of new forms of contract in which the formalities of the Nexum were absent but this essential feature, the transfer of ownership was retained. Thus grew the Real Contracts. Mutuum, Commodatum, Depositum and Pignus, in all of which the obligation of the debtor arises from the fact that property has been transferred to him by the creditor.

Later on, according to Maine, even this form was dropped and it was found possible to create obligations only by a form of words. This is how, according to him the Stipulatio was developed. The Literal contract was also similarly developed by the substitution of a form of writing for a form of speech. The special form hit upon was, according to Maine, the result of the careful book-keeping habits of Romans.

This process of gradual dropping off of unessential elements culminated, according to Maine, in the evolution of the consensual contract in which no formality was necessary, nor anything except mutual consent. In these, the essential character of contract is found to disentangle itself from the non-essential

forms which encumber its earlier stages. There were only four kinds of such contracts : sale, letting and hiring, partnership and agency, which could be created by mere agreement. At a later date, reliefs were given in other cases of mere agreement unaccompanied by any form or transfer of property. These were the *pacta adjecta* of civil law, the *pactum de non petendo* of Practorian law and pacts to pay *dos* by Imperial law. That is as far as Roman law ever went.

The bare outline of Maine's theory is undoubtedly sound, though its details are not satisfactory. The notion of contract as such was undoubtedly unknown in very ancient times. Such contracts as were known were recognised not on account of the element of consent but on account of some other accidental, formal element. The element of agreement in such transactions as the essential thing in them got disentangled from other factors in the course of history and a general theory of contract was thus established. These are the undoubted truths in Maine's theory. So far as the history of Roman Law is concerned, the evolution of the contract of Mutuum by the dropping off of the formalities of Nexum is also indubitably accurate. This cannot be said of his theory about the other forms of Real contracts. And Maine is undoubtedly wrong in deriving the Verbal and Literal contracts from real contracts, by a dropping of formalities.

Maine's theory correct in outline.

The evolution of contract in Rome.

Verbal contract.

The older form of verbal contract in Rome was the *sponsio* which was a part of the religious law and belonged to the earliest stratum of the law. The Stipulatio is clearly derived from this religious promise by the substitution of other verbs for the magic verb *spondere*. Instead of saying "*spondesne? spondeo*" the parties say in this form, "*Promittis? promitto*," "*Dabis? dabo*," etc. It seems probable that the Stipulatio was originally designed for the peregrin to whom the *sponsio* was forbidden.

In any case the derivation of the verbal contract from the *sponsio* of religious law is quite clear. It has no connection with the Real contract or the *Nexum*.

The Literal contract* too had a history of its own entirely independent of the Real contract. The

Literal contract.

Romans were very careful accountants and entries in their account books with regard to a loan were, naturally enough, looked upon as good evidence of a debt. There can be no doubt that account books first got admitted into the law as evidence. It is conceivable that, in order to make the evidence quite convincing and free from doubt a practice may have developed of insisting on a special form of entry—the *codex transscripticium*—made in the presence of the debtor. When an entry of this character in an account book was proved, it may have grown usual to look upon the entry as conclusive evidence. From this it is but one step for the entry in an account book to rise to the rank of a special form of contract, instead of being merely evidence of a contract. When contracts were hemmed in by so many subtleties of form and proof of contracts was often so difficult, creditors would naturally avail themselves of an opportunity of having their contracts embodied in a *codex transscripticium*, to avoid troubles of formality and proof.

The Consensual contracts on the other hand were obviously derived from other sources. *Emtio*

Consensual contract.
—Sale.

Venditio is clearly an evolution out of *Mancipatio* through the intermediate stage of sale by tradition. When the formalities of sale dropped off, and payment of cash price became immaterial for the legal validity of a transfer, it was but one further step to dispense with the immediate delivery of property as well. The result would be that, just as the cash price of the purchaser was replaced by an obligation to pay the price, so the delivery of possession by the vendor is replaced by an obligation to deliver possession. The unilateral obligation thus leads on to the bilateral.

Partnership also is indirectly derived from sale. The history of other systems of law, such as the Babylonian, shows, what Roman law does not clearly indicate, that partnership originated in joint purchase of property. In Hindu law we notice, as perhaps the earliest form of partnership, the association of several priests in the performance of the complicated sacrifices ; but that also leads us back to an ulterior source in joint acquisition of ownership. When things are acquired jointly the relations of the joint purchasers can only be stated in terms of obligations. The joint ownership of things leads on to a joint ownership of business, a concept which is familiar to the joint family law of India. The law of partnership is only a more developed form of the law for determining the relations of co-owners with reference to a business.

Mandatum apparently had an entirely independent source.

The idea of representation of the head of a family by another member seems to have been a familiar feature of ancient society.

Agency.

A man might act through his son or his slave and have the benefit of or be responsible for the acts of the son or the slave. Gradually the usage is developed, of entrusting the commission to an independent party instead of the son or the slave. The relations between such agent and the principal would follow the analogy of the relations between the head of the family and the member who represents him. When consensual contracts were developed, this form of relationship naturally fell under the category, and the general principles of contractual obligations modified the incidents of the rights.

The history of Roman law does not therefore bear out the conclusions of Maine except in bare outline. Besides Maine has confined his attention too exclusively to the purely legal history. But law proper in ancient times represented only a fraction of the whole law. A great part of the effective laws belonged to religious system. Thus,

though Maine is quite correct in saying that a contract as such was not enforced in primitive and ancient *jus* it would not be correct to say that the ideas of the obligatoriness of a promise as such was unknown in very ancient times.

The obligatoriness of contracts as such in religious law enforced by supernatural sanctions is indicated by the very ancient stories of contracts with gods.

Contracts in religious law; vows to gods.

A very ancient Indian story on the subject is the story of Sunahsepha. There we hear of king Harishchandra having made a vow to the god Varuna that if the god gave him a son he would sacrifice the son to Varuna. We hear later on, how Harishchandra put off the god from day to day and ultimately the son, who had grown up, refused to be sacrificed, and left for the woods. The result was an illness of Harishchandra which promised to be fatal. Here we have all the elements of a pure contract. There is no formality. It is a mental promise to the god and becomes binding so soon as the god does his part of the bargain. And, further on, we find that there can be a satisfaction for the contract by substituting something else for the thing promised as was done in this case.

This is a good illustration, but in fact, contracts of this character with gods go back to far remoter antiquity. The notion that promises made to the gods must be kept, at any rate, if the gods have given the *quid pro quo*, belongs practically to the infancy of humanity. The vows to the gods are merely applications of known human relations to superhuman beings. It follows therefore that in societies which insisted upon the sanctity of vows made to the gods the sanctity and the obligatoriness of promises in religious law was already known. In fact we find that, at the earliest stages of the evolution of law almost everywhere, promises made in the presence of gods or in the name of the gods were regarded as binding in religion, and in some cases such sacred promises are also enforced in law.

In Rome, among promises which were thus enforceable by virtue of their sanctity we find the marriage vows and the sponsio. There were, no doubt, certain formalities associated with these vows, forms, which were regarded as essential in order to bring the promise within the cognisance of the gods, but there is little doubt that the essential thing—the thing that was enforced, was the promise as such. Another notable promise of this kind was the sacred wager, of which we find one illustration, and only an illustration, in the wager laid in the *Legis Actio Sacramento*. When a man asserts a state of things and makes a solemn promise to lose a certain sum if his assertion proves false, he becomes thereby a debtor to the gods; and if his statement proves false, he must fulfil his promise. That is why the *sacramentum* was such a decisive factor in the little drama of the litigation of ancient Rome. All these are forms of promises by reason of which the promisor is bound to the gods.

Another illustration of a similar sacred promise is furnished by the hand-grasp which is common to the Germans and Romans.

Hand-grasp. Here the hand is mutually offered and grasped as a pledge to the gods for the performance

of his promise. Another form of promise amongst the Germans was the one which was solemnised by the delivery of a *festuca*,

Festuca. or a little rod, which appears under different forms in different Germanic races. In these

forms of religious promise, the element of promise is overlaid with a certain amount of formality. But there can be no doubt that as a matter of religion, the obligatoriness of solemn promise, at any rate in some forms, was recognised at an early stage of law.

The recognition of the bare promise in Law was a much later institution. Many things are found to have been known, many relations amongst men well-established, long before they are recognised as a subject for judicial determination. The fact that people know

of the sanctity of promises did not necessarily imply that the courts would take cognisance of it. The jurisdiction of courts in early law is found to have been strictly limited to certain topics. Contract became a topic of law and an appropriate action was found for it comparatively late in the history of judicial procedure.

The earliest civil action known to law appears to have been an action to recover a thing which

Evolution of debt.

has been wrongfully taken away. The

Legis Actio Sacramento of Rome is strictly speaking appropriate to this action only. Even in English law, the earliest actions seem to have been real actions for the recovery of things. The earliest form of contract known to law proper appears to have been debt. It appears very early in all ancient systems of law. So soon as society settles down to agriculture and business, credit becomes a necessity, barter and sale will be made on credit. So we find debts realised by the State by the most drastic penalties. The condition of the *nexal debtor* in Rome was very severe because the law was supremely anxious to secure repayment of debts. The debtor in ancient India was in an equally desperate position. The creditor had absolute freedom in the realisation of his debt and could avail himself of all forms of force, fraud and coercion to get back his money. Over and above this, there were the terrors of punishment in Hell for the debtor who has died with his debt unrequited.

We have seen that Maine derives the Nexum from the Mancipation and considers the original Nexum to have been merely a sale on credit. Pollock and Maitland have arrived at the same conclusion with reference to Germanic laws. There can be no doubt that sale on credit was one of the origins of debt. But it seems probable that debts arising out of other transactions were known from an equally early date. In the antiquities of Hindu law debts are found to arise out of a *promise* to pay in the earliest extant records. Besides there

is no reason why we should not derive the obligation of debt from the loan for use as from sale and barter. In the earliest days of society, men would borrow each other's cattle or agricultural implements for temporary use. The taking of a thing for use would make a debt as well as an incomplete sale.

There is one circumstance which seems to indicate the priority of the loan for use. Debts appear to have originally become actionable on the analogy of real actions. We have no definite history of the derivation of the forms of action in Roman law, but it is now possible to have a clear history of the evolution of the various actions in English Law. This discloses the interesting fact that a debt became originally actionable on the analogy of Real action. The *praecipe in capite* was the action for the recovery of land. In Glanvill, the original writ of debt is a close copy of the *praecipe in capite*. Pollock and Maitland point out that the original idea in debt was that of *recovering what was one's own*, no idea of a personal obligation ever entered into it.¹ One would expect this idea to develop more naturally out of a Commodatum than of a sale on credit. It is as probable therefore that debt should have been derived from a loan for use as from a sale on credit and I am disposed to think that both these sources contributed to the birth of the concept of debt.

In course of time we find the notion of a personal obligation replacing the proprietary idea in debt, and debts founded on causes not originally recognised in law are assimilated with the law. The debt of promise founded on the religious law takes its place by the debt arising from the taking of a thing. The *sponsio* becomes recognised in civil courts.

This leads to the development of other forms of contract. Two of the earliest known forms of contract after debt were contracts of suretyship and pledge. In Hindu law and Roman law we find this contract in a highly developed form, as a

¹ P. and M. *History of English Law*, Vol. II, p. 204.

species of personal obligation arising out of a promise or delivery of goods. It is possible to trace back the history of these forms of contracts to a much earlier stage by a study of Germanic

customs. The original form of pledge and

Pledge! suretyship.

suretyship in Germanic Law was the *borh* who was originally a hostage—a kinsman given

away as a slave of the creditor, to be redeemed by the debtor by the payment of the money due. This existed long before debt proper was known, for securities had to be given for the *bot* or the blood-money which might be due from one. An alternative and later form of pledge was the *wed*, which consisted of a property of equal or greater value than the amount of the debt, which was given to the creditor absolutely, the debtor being understood to have the right to recover the thing on payment of the money due.¹

Out of these rudimentary institutions the contracts of suretyship and pledge are gradually developed, when credit is well-established and the faith of people more relied on. The word of an honest and substantial man comes gradually to be considered as good as having him as a hostage. A similar development made it possible to dispense with the transfer of ownership in the thing pledged. The *Mancipatio fiducia* is replaced by the *Pignus* and, still later, at a much more advanced stage of society a *Hypothec* is considered a perfectly good security.

The concept of debt and security are developed very early

Debt and Pledge in religious law—Gambling and Wagering.

in most ancient societies and we find reflections of it in the religious law, sometimes

in very fantastic forms, at a very early stage

of the evolution of law. I have already spoken of the wager of which we find an illustration in the *sacramentum* of the *Legis Actio Sacramento*. Wagering was only one form of pledge. The thing wagered was the security for the fulfilment of the promise and was forfeited if the promisor failed to

¹ Kohler: *The Pledge Ideal*—in Kocourek and Wigmore *op. cit.*

make good his representation. This, we find, was developed into an advanced code of gambling, at any rate among most of the Aryan races. Gambling with dice was a very ancient institution in India. Kingdoms were pawned away, wives and children and, lastly, the players themselves were given away as slaves. And when people lost their wagers they accepted the situation. Tacitus, describing the Germans, gives a description which might apply word for word to the ancient Indian. "What is marvellous," he says "playing at dice is one of their most serious employments; and even sober, they are gamesters: nay, so desperately do they venture upon the chance of winning or losing that when their whole substance is played away, they stake their liberty and their persons upon one last throw. The loser goes calmly into voluntary bondage. However younger he be, however stronger, he tamely suffers himself to be bound and sold by the winner."

The notion of debt represented to the ancients the highest degree of obligation conceivable. This is indicated by the fact that in the earliest days of ancient India, the obligations which a man owed to his ancestors, to the gods and to the rishis are described as the three debts with which a man is born. By having a son one redeems a debt to ancestors. Remarkably similar is the idea of the German described by Tacitus. The young Sattans when they arrive at maturity let their hair and beards continue to grow until they have killed an enemy. When they have killed an enemy they shave and "they allege that they have now acquitted themselves of the debt and duty contracted by their birth." It is probable that the hair and beard was considered as a pledge for the satisfaction of the debt.

It is not necessary to trace the history of every form of contract from its earliest roots. From what

Diverse sources of
 the law of obliga-
 tion.

 I have observed, however, it would be clear that the course of evolution of contract is not a simple one of uniform development from a single original. Sale and barter have undoubtedly been two of the chief sources

out of which the notion of contract was evolved. But this was not the only root of contract. An equally important source was the religious duty of keeping faith, which gradually comes within the purview of law proper and largely moulds and affects it.

In the course of its further history the domain of contract has been enriched by contributions from other allied institutions. The institution of hostages helps to develop a law of pledge, that of representation by members of family leads to the institution of agency; slavery makes its contribution to the law of free service; religion is contributing its quota all along the line. The result is a very complicated and diversified history which has naturally not been identical everywhere in the world. In the course of this history we find a large number of legal relations growing up, which are found by systematic students of the law at a later age to be essentially founded on consensus of parties, though in legal theory the obligatoriness is often held to attach to some other accidental circumstance. Gradually the element of consensus asserts itself as the essential element of the transactions and they are all brought under one common head of transactions founded on mutual consent or *Contract*. This final evolution is the result of legal science, the effect of the scientific study of jural relations. But the consummation was not achieved by the unaided efforts of science. In many places we find historical accidents have greatly contributed to the result.

The history of the English law of contract may be referred to as a fine illustration of the course of evolution of the notion of contract out of consensual transactions which were, in the beginning, looked upon as owing their obligatoriness to other circumstances than consensus. This does not mean that this history gives us anything like a general course of evolution which we may expect to find followed in other

History of contract
in English law—
science and history.

places. The English history only gives a fine illustration of the action of science and history, logic and accident, in a more or less haphazard fashion on the evolution of law.

English law was founded on Germanic law. From that source it got a formal contract, only the particular formality of the seal was derived from Roman law. This sealed promise, enforced by the Action of Covenant forms the earliest contract enforced by the courts. The other contractual actions were those of Debt, Detinue and Account, but the gist of these actions was not conceived to lie in agreement, but the delivery of property and, in the Action of Account, in the existence of a certain relationship. I have said before how debt and detinue were evolved out of the Real action, *praecipe in capite*.

The true contract in English law, other than the covenant, became actionable much later, when assumpsit was evolved. But assumpsit was a trespass on the case and in its origin it was an action of damages for malfeasance, where, by reason of the wrong-doer having come upon the thing by permission, trespass would not lie. In course of time however assumpsit grew more and more contractual till the element of assumption or the promise formed the gist of the action.

This was a historical accident. English law already knew of contract; and a promise, without more, was already actionable, if it was given a certain form. There is no logical reason why in the course of evolution, the formalities should not have dropped off this agreement and the simple contract evolved out of the Action of Covenant. Besides, there were the actions of Debt and Detinue, essentially contractual, which might, by natural evolution, have led to the general concept of a contract. But, as most frequently happens, this obvious and rational development did not take place and the element of agreement in the Covenant, Debt or Detinue was not disentangled from its accidental associations till the concept of simple contract was evolved by a historical accident out of an action for a tort.

When *assumpsit* had become an action proper to the enforcement of a simple promise, there remained beside it other contractual relations which were even then not assimilated to the agreement. Debt and Detinue continued to have an independent existence. And they might have remained distinct, but for the fact that owing to the rule of wager of law, Debt and Detinue were very inconvenient remedies. Attempts were gradually made therefore to bring cases of Debt and Detinue under *Assumpsit* by a sort of legal jugglery. When this effort succeeded it had an important consequence for jurisprudence. As the chief contractual transactions were brought together under the form of *Assumpsit*, the common elements underlying them naturally became prominent and this led at last to the evolution of a general law of contract.

CHAPTER XII

THE LAW OF DESCENT—I.

In most settled societies of primitive and ancient times we find that after the death of a person his property is inherited in accordance with some settled rule of law. In some ancient societies we find a certain measure of liberty given to the individual to regulate the devolution of property after death. But testamentary succession seems to be the exception rather than the rule in ancient societies. Maine concludes from this that a law of intestate succession always precedes any rule of testamentary succession.

Attempts have been made by jurists to trace the law of intestate succession to more primary elements. Origin of the law of intestate succession. A theory which was familiar to classical Roman jurists, and has persisted down to modern times, refers the law of inheritance to family ownership which is supposed to have been the most primitive condition of things. When the property belonged to the family, the death of the head of the family made very little difference. The headship passed to another member of the family, but the property remained, as before, family property. When individual ownership came to be recognised, what was the order of succession to the headship under the older law now become an order of inheritance.

We have already seen that the evidence available does not warrant the conclusion that ownership was originally joint. Family ownership and Law of inheritance. The probabilities are rather in favour of individual ownership leading on to collective ownership by gradual restriction of the owner's rights. Similarly, it may be said that it is more likely that the law of inheritance may have led to family ownership

rather than *vice versa*. "We have but to ask for a time, when testamentary dispositions are unknown and land is rarely sold or given away. In such a time, a law of intestate succession will take deep root in men's thoughts and habits. The son will know that if he lives long enough, he will succeed his father; the father will know that in the ordinary course of events his land will pass from him to his sons. What else should happen to it? He does not want to sell, for there is none to buy; and whither could he go and what could he do if he sold his land? Perhaps the very idea of a sale of land has not been conceived. In course of time, as wealth is amassed, there are purchasers for land; also there are bishops and priests desirous of acquiring land by gift and willing to offer spiritual benefits in return. Then the struggle begins, and law must decide whether the claims of expectant heirs can be defeated. In the past those claims have been protected, not so much by law as by economic conditions.....But now there must be law. The form that the law takes will be determined by the relative strength of the conflicting forces. It will be a compromise, a series of compromises and we have no warrant for the belief that there will be a steady movement in one direction, or that the claims of heirs must always be growing feebler..... Other and different arrangements were made elsewhere, some more, some less favourable to the heirs, and we must not assume without proof that those which are most favourable to the heirs are in the normal order of events the most primitive. They imply, as already said, that a son can hale his father in a court of law and demand a partition; when this can be done there is no 'patriarchalism,' there is little paternal power."¹

Fustel de Coulanges
on the origin of law of
inheritance.

Fustel de Coulanges derives the entire law of inheritance from the religious beliefs of ancient times. The right of property according to him was established for the accomplishment of hereditary worship. It follows that it was not possible that

¹ Pollock and Maitland, *History of English Law*, Vol. II, p. 249 seq.

this right should fail after the short life of an individual. The man dies, the worship remains; the fire must not be extinguished. So long as domestic religion continued the right of property had to continue with it.

"Two things are closely allied in the creeds as well as in the laws of the ancients—the family worship and its property. It was therefore a rule without exception, in both Greek and Roman law that a property could not be acquired without the worship, or the worship without the property.....It was same in India.

"From this principle were derived all the rules regulating the right of succession among the ancients. The first is that the domestic religion" being, as we have seen, hereditary from male to male, property is the same. As the son is the natural continuator of the religion, he also inherits the estate. Thus the rule of inheritance is found;.....The father need not make a will; the son inherits of full right.....

"To form an idea of inheritance among the ancients, we must not figure to ourselves a fortune which passes from the hands of one to those of another. The fortune is immoveable, like the hearth, and the tomb to which it is attached. It is the man, who, as the family unrolls its generations, arrives at his hour appointed to continue the worship, and to take care of the domain."¹

In discussing Fustel de Coulanges's theory of the origin of property I pointed out that he makes the
Criticism of the theory. fatal blunder of identifying property with land. On the contrary, even in Rome and Greece, to which he confines his observations, moveable property preceded immoveable property and as a matter of fact the law of property was fairly developed with reference to moveables before property in land was recognised. Here also he considers the law of inheritance exclusively in connection with land. But a law of inheritance apparently existed before land

¹ Fustel de Coulanges—*The Ancient City*, p.

became property and weapons and cattle, women and possibly slaves passed to heirs. Besides, the entire theory hinges upon a theory of primitive family ownership, which there are good reasons for doubting.

It cannot be denied of course that in ancient societies, notably in Greece, Rome and in India, property has been associated with religious rites and there is an intimate association of the heir with the performance of obsequial rites and the offering of periodic repasts to the deceased and his ancestors. But the Indian evidence leaves little doubt that the supposed dependance of inheritance on the offering of oblations to the deceased is a comparatively late growth. The heir was usually the person who offered the funeral repasts, but the heirship does not appear to have been dependent on the *pinda*. The earliest statements of the law in the *dharma sutras* are not only singularly free from all reference to offering of oblations but the order of succession too does not exactly correspond to the order of persons entitled to offer *pindas*. The entire theory with regard to the dependence of the Hindu law of succession on the spiritual benefit conferred by the heir is based on texts of Manu and ignore altogether the historically anterior law. But even in Manu there is no dependence but rather a mere co-existence of the two functions of heirship and giving of oblations. The co-existence must be quite patent in the most usual cases of succession and from such observed co-existences a later theory sought to deduce the right of inheritance from the spiritual benefit conferred. But even in later law this proposition was not free from dispute and it was only in the *Dayabhaga* of Jimutavahana among extant works that we find a consistent attempt to work out the theory of spiritual benefit.

Similarly, we find that in Rome the Twelve Tables makes no reference to the doctrine of spiritual benefit. But the heir was as a rule bound to offer funeral repasts and from that, a later theory in Cicero's time drew the conclusion that succession depended on the offering of funeral repasts. The evidence that we

have, therefore, does not justify the conclusion that the principle underlying inheritance in primitive law was the provision for funeral repasts for the dead. The doctrine appears to have been a later deduction.

These theories therefore do not enable us to go behind the law of intestate succession. As far back as law takes us, either in primitive law or in the customs of backward races, a law of inheritance already exists. But a guess may be hazarded as to the probable origin of a rule of intestate succession.

In the Vedas we hear of a father dividing his property amongst his sons in his life-time. A somewhat later, though sufficiently early evidence shows us the husband dividing his properties between his two wives before renouncing the world at the appointed age. This seems to have been the primary state of affairs before any rules of inheritance became settled. In India, men were expected to renounce the world and spend their days in religious contemplation in the woods, when they attained old age. Before so retiring, they could dispose of their properties as they chose. Although not exactly in this form, we find that in other societies also old men had to renounce the world or die. It is probable that they were permitted to distribute their wealth before they left. At a time when there was no settled rule of inheritance, this was apparently the only mode in which devolution of property could be settled.

The element of caprice in such distribution must have been at a minimum. Men in primitive times habitually followed precedent. When a leading man of the society is found to have acted in one way, others simply imitate; and in this way customary schemes of distribution of property seem to have been evolved by repetition and to have led on to a law of inheritance.

If this view is correct it would run counter to the favourite theory, started probably for the first time by Maine that in primitive society the will of the owner had no share in the devolution

of property and that testamentary succession followed intestate succession. This view is, in part, based on the theory of joint ownership of the family and the community which we have found reason to doubt. In so far as this theory asserts that regular testaments came into existence later than the law of intestate succession, there can be no doubt of its truth. But if the suggestion I have ventured to make above is correct, the root of intestate succession itself will have to be sought in some form of rudimentary testament. It would then appear that owners of property disposed of their goods in their life-time. In course of time this crystallised into a law of intestate succession. Once a rule of law is established it tends to restrain the freedom of disposition of the proprietor. We should therefore expect to find laws seeking to restrain dispositions of property against the law of inheritance. Such rules we can find in Rome, in Greece and in India. But in spite of this, some power of disposition, more or less limited, was always retained in the proprietor. This appears in Hindu law in the freedom of the father to distinguish between sons in the distribution of his property. The early law is more or less unsettled as to the exact limitations on the father's power, but we notice that in course of time the limitations close more and more upon this freedom. In Rome this power develops into a right of testation by a declaration in the *Comitia Calata*. Amongst Germanic races Tacitus found no power of testation, but Anglo-Saxons developed testamentary dispositions of land quite early and rudiments of testamentary powers are traceable among other Germanic races. No doubt all this was very different from the testament as it developed in the later history of Rome, but the two things have sprung from the same root.

The order of intestate succession in any society depends entirely on the principles of social organisation and kinship. As a general principle it may be laid down that every rule seeks to give the inheritance to the person who is presumably nearest and in

Order of intestate
succession.

most intimate touch with the deceased. This statement however would be correct only within limits ; for social organisation changes sooner than the law, and it is a very usual thing to find the law very imperfectly representing the feelings of people as regards nearness of kindred, by reason of the fact that the law belongs to a stage of social organisation which is *passt*.

It is not possible to lay down any hard and fast general rule as to what constitutes nearness of kindred according the feelings of the people. Even a son is not always the best loved and the nearest kinsman. On the contrary, amongst matricentric families, most notably in those that are polyandrous, a man's son is more or less a stranger to him, while his sister's son is near and dear. Sometimes the feeling may be stronger in favour of a perfect stranger than in that of a near kinsman. Thus an adopted son or a son purchased from a stranger would in many cases exclude daughters, brothers and such other near relations, not only in law but in the ideas and feelings of men. Owing to wide differences in principles and methods of social organisation therefore, there grows up very large differences in the schemes of kindred and of inheritance in different races.

Two main types may be easily distinguished, *viz.*, the matrilinear and patrilinears schemes.

Matrilinear and patrilinear schemes of descent.

In matrilinear families, the normal type consists of males and females born in the house. The range of kindred as well as notions of nearness of relationship therefore are strictly limited to groups connected through females. On the contrary in patrilinear families kinship is counted generally through males, for the family consists of males born in the family and females brought into the family by marriage. Matrilinear kindred include brothers, sister's son, mother's brother, mother's sister, mother's sister's son and so on. Patrilinear kindred include sons, natural or artificial, brothers, grand-father, etc., and their male descendants.

In a matrilinear family we should expect to find kinship strictly limited to children born of women born in the family. But in point of fact most matrilinear societies represent somewhat mixed types, in which children of the deceased himself have some share. The fact is that most societies of this character that we know of have partially passed out of the purely matrilinear stage and many of them have developed proprietary forms of marriage, though matrilinear kinship still adheres to them. As a result of this transition the law of succession in most such societies is not purely matrilinear.

Before I pass on to illustrations of the various rules of succession, I should like to refer to one Meagreness [of the old law of succession. interesting feature of the law of succession not merely of matrilinear but also of many patrilinear societies at an early stage and that is that the rules about succession do not follow lines of kinship very far. One, two or three small classes of heirs are named perhaps and there the law stops. Sometimes, the law expressly states that after that the kindred take the inheritance. This is the rule in the case of all savage societies. In ancient patriarchal societies also we find the same thing. Thus Gautama's list of enumerated heirs terminates with sons and appointed daughter's son and after that follows a comprehensive rule, "those connected by pinda, gotra and rishi, or the wife." This, with the exception of the wife, agrees remarkably with the law of the XII Tables where after the *Sui* come the *proximus agnatus*, after whom the property goes to the *gens*. Barring the reference to some relations through females, which has given rise to some controversy, the Germanic laws also are very similar.

All this indicates a stage in which the social mind is not yet up to the effort to think out a long line of heirs about whom questions may arise only rarely. Customs get established only with reference to cases which frequently occur, the rest is left to be settled as each case arises, by the proper authorities, the medicine man of the savages, the priests of the Aryan races or

the Parishads in India. That is one reason why the early law is so little particular about settling the claims of the remoter heirs. Besides, primitive and ancient communities do not carry their ideas of relative strength of kinship very far. A certain number of near kindred such as the *sui* of Rome who are practically associated with one in the same household are distinguished from the rest by the recognition of a stronger bond of kinship. For the rest, the whole lot of kinsmen are on the same footing. They are all brothers, uncles, etc., of the deceased. Fine distinctions between them by counting the degrees of kindred is a discovery of a later age and a subtler mind.

The fact that the entire kindred—the whole settlement, takes the estate left by the deceased after very near kindred is often put forward as evidence of primitive community of ownership. It is suggested that the individual was only a limited owner and the property belonged to the kindred as a whole. The individual property gradually developed, but the communal ownership survived in the theory of the ultimate succession of the gens or clan.

I have put forward reasons to doubt the existence of communal ownership as the primary fact. If my view is correct, then the ultimate heirship of the clan or gens does not in any way reduce the force of those arguments. For it is quite conceivable that a rule like this might have developed out of individual ownership and individual rights of succession without assuming communal ownership.

Let us imagine a time when landed property did not exist and all the wealth of the deceased consisted of his personal belongings. The primitive idea with regard to these seems to have been to bury these things with the deceased. In many retarded societies and in the primitive history of races we find illustrations of all the belongings of the deceased being buried with him, including his slaves, his wife or his favourite animals

Evolution of a law
of inheritance.

who were killed to accompany him for service to the deceased in the other world. In the state of society to which this idea primarily belongs there is and can be no law of inheritance. The deceased is not dead but continues his existence in some form under the ground and he takes his belongings with him. Gradually however, probably as society becomes richer and the faith in the continued existence after death exactly as during life becomes weakened, we find this necessity of burying everything with the deceased got round. One of the devices by which this is done is to bury with the deceased worthless substitutes of valuable articles while the originals are retained by his family. Another device was a donation *mortis causa* or otherwise during the life-time of the deceased or, a distribution amongst sons or such near kindred,¹ so that when the man dies he has no property to go with him. As we have seen, it is probable that a custom of inheritance may have grown out of this practice. Another way in which the custom may have been developed is suggested by the right of the nearest kinsmen in some communities to take one or more of the belongings of the deceased. Whatever may be the exact origin of the law of inheritance, we find no evidence, nor is there any reason to suppose, that the first rule of inheritance was not a rule of individual succession. The heir, when he came to be recognised as such, was recognised as an individual. A law of inheritance is found to have been developed, with reference to personal property, on a purely individual basis, before land is recognised as property. In this law the kindred succeed as heir and not by virtue of any residuary ownership.

The actual rules of inheritance in matriarchal societies are as much diversified almost as among patriarchal societies.

¹ It is quite true that such donations are liable to be set aside at the option of the heir in some societies. In Babylon the heir could get back properties given away by the deceased on payment of certain prices. But these are institutions of a later age, when a law of heirship has been established so far that the heir is supposed to have a sort of vested interest in the property.

This is partly due to the more or less powerful influence exercised on these societies by the developing concept of ownership in wives and children, but in part, even apart from such influence, from the fact that even in matrilinear society kinship is viewed differently in different communities, doubtless owing to the fact of differences in social organisation. The result of these influences is a largely diversified order of succession in different societies organised on a matrilinear basis. To some extent again the order of succession is affected by a distinction between kinds of property. The reasons which underlie such differentiation are various. The relative importance of the different kinds of properties in the eyes of the community accounts for some of the difference. Others are accounted for by the source of the wealth. Property coming from the bride's father is treated differently from that coming from one's own ancestor. The utility of things to the particular persons concerned is another circumstance of importance. All these circumstances affect the order of succession to the property.

I should like to give here some illustrations of the diversities of the law of inheritance in matrilinear societies. Among the Tube-tube tribes of New Guinea one class of properties, including drums, lime-pots, lime spatulæ and canoes go to the sister's children and, if they are girls, they take for the benefit of their children. If the sister has no children the property passes to the maternal uncle, with a reversion at his death to a man's own brothers and sisters. This gives us a purely matrilinear order of succession. Property of the second category, such as arms, shells and the like, and also pigs, is divided between a man's own children and those of his sister. This discloses the introduction of the germs of patrilinear kinship. It will be noticed that the distinction in the kinds of property are founded on the relative importance of the articles.

Among the Waga-waga tribes, ornaments given to a wife by a husband are regarded at his death as the heritage of his *gariauna*, a man who performs certain ceremonies at his grave.

Waga-wagas and
Bathonga.

Among the Bathonga, of the two assegaïs which are a part of a man's regular equipment, the larger passes to the son, and the other to the uterine nephew. Here we notice that the son has acquired a position of superior importance, but the original matri-linear character of the kindred survives in the nephew, who, it is noticeable, has formally the choice between the assegaï, though by custom he is bound to give the better one to the son.

But there are diversities in the rules of inheritance among matriarchal communities quite independently of these disturbing circumstances. Thus we find that while the sister's son and daughter, uterine brother and sister, maternal uncle, maternal aunt's son and daughter are regarded as heirs, they are not all heirs in every society, and their relative positions vary very much.

In patriarchal societies, the normal order of succession would be to male kinsmen strictly in the male line. But

Order of preference
of heirs in patriarchal
societies.

who is the kinsman entitled to succeed in the first instance? Generally speaking the son. But this is by no means the universal rule.

There are traces of a rule of succession of brothers or other senior members of the family in preference to sons in some places. This rule known in Irish Law as *tanistry*, is found not only in Brehon laws of Ireland but in many other places, notably with reference to hereditary offices in unsettled times.¹ There are texts in Hindu law also which indicate that a rule of succession of brothers in preference to son apparently prevailed at some time in some Aryan communities in India in ancient times.

Even with regard to sons there is nothing like uniformity in the law of succession at different places. There is the rule of primogeniture

Position of sons.

¹ See Maine, *Early Institutions*, Lect. VII.

by which the eldest son succeeds to the exclusion of younger children. On the contrary there are rules of ultimogeniture in some places by which the youngest son succeeds to the exclusion of the elder brothers. But the general rule is that of division of the inheritance among the sons of the deceased. Even here however, we find that the partition is not necessarily equal. In many places we find the elder sons distinguished in some form or other. An extra share of the inheritance or some specific properties are very often given to the eldest son as his birth-right or under other pretences. Sometimes the preference takes the shape of a graduated scale in the case of all the elder brothers to the exclusion of the youngest. Very often sons take as such, irrespective of the status of their mothers. In many places, on the other hand, distinctions are made between sons with reference to the status or class of the mother, or the form of marriage or concubinage out of which the son is born. And, further complications are introduced by the introduction of artificial or secondary sons who do not all take equally.

These diversities in the law are determined by varying social environments. At the present stage of our knowledge it is not possible to construct anything like a general course of evolution of these various forms of the law. We can only indicate tendencies and certain consequences that seem to follow from certain circumstances.

It seems that primogeniture was the general rule with regard to inheritance in patriarchal societies in which joint families continued after the father's death. The preferential treatment given to the eldest son was a survival of primogeniture. Maine, on the contrary, supposes primogeniture to have been originally associated with inheritance to offices and presumably a later development. As opposed to this theory we have the ancient Indian view reiterated in religious as well as the secular law that the eldest son takes the place of the father. In the sacral law of India the obsequies of the deceased

Primogeniture.

are performed by the eldest son alone. This matches exactly with the view put forward in several texts of the law, whose age it is impossible to determine, that the eldest son takes the entire inheritance and the others live under him just as they lived under the father. In justification of this ancient law Indian authors are apt to refer to texts of religious law which lay down that a man is saved from the evils of sonlessness by the birth of the first son, the other sons being for spiritual purposes, more or less useless.

This law presupposes a condition of society in which families find it convenient to live together even after the death of the head, as for instance when enemies surround a family and there is therefore great need for cohesion within the family. It is proper also to a stage of society in which the wealth of the family is small. As families grow prosperous and society settles down in peace, the strength of the forces making for cohesion is reduced and a great disruptive force is introduced by the increased wealth. When such a state of society comes into existence brothers tend to separate and a custom of partition tends to grow up. Adventitious circumstances also may tend to promote separation, such as, for instance the encouragement of priestly classes who promote the belief, as in India, that in partition there is increase of religious merit owing to the multiplication of sacrifices performed.

When separation becomes inevitable, the younger sons do not share equally with the eldest. The eldest gets some preference which grows less and less as time goes on. In India the several stages can be clearly marked. At first the eldest son is entitled to a double share, that is, what would have been the father's share if he had chosen to make a partition during his life-time. But later on, we find that one-twentieth of the whole estate and the most valuable article out of the belongings of the father were reserved for the eldest son. By an analogical extension of this doctrine of the preference of the eldest-born son, later law provides for the preferential shares of the second and

third sons as well. Ultimately however even this preference gave way and we find as early an author as Apastamba laying down that all sons took the property equally.

Ultimogeniture belongs to a far earlier stage of society and

it only survives in out-of-the-way places
 Ultimogeniture. under completely changed circumstances.

In the earliest days of patriarchal societies everywhere and demonstrably in India, joint families of father and grown-up sons was unknown. Each son as he grew up separated from the family and set up home for himself. The youngest son who was generally too young to leave the house, being a member of the house therefore took the inheritance. That is how ultimogeniture conceivably originated in some societies. But the identical institution may have arisen under quite different circumstances. In England for instance the ultimogeniture of the Borough English tenure seems to have grown up out of a system of equal division under the influence of the feudal notion of one tenant for one land.¹ In a modified form we find the institution in the Roman Law and Hindu Law where the *suus*, as distinguished from the *emancipatus*, and the son born after partition take in preference to the other sons in the succession to the father's share after his death.

Sonship belongs in most systems of law to the child of the

lawfully wedded wife. The Aryan law was

Legitimate and secondary sons. apparently very particular about it. Marriage was a religious institution amongst Aryans

and constituted a partnership in religion between the husband and wife. The child borne by such a wife was apparently the only son recognised in the earliest times. The evidence of Roman, Greek, Germanic and early Vedic law seems to coincide on this head. In Babylon on the contrary the rule of legitimacy was by no means so rigorous and not only was the succession open to the son of the concubine and slave as well

¹ Pollock and Maitland, *Op. cit.* Vol. II, p. 280.

as to that of the wife, but even the preference due to the eldest son was given to the son first born no matter by what woman.

But the law is seen to undergo various changes under the pressure of social environments. In India we find a remarkable history of evolution of the law on this head. While the Vedas refuse to recognise a son other than one begotten on a lawfully wedded wife, the Smritis gradually recognise several kinds of secondary sons, including the son of an appointed daughter, the son begotten by Niyoga and a variety of other sons most of whom are bastards born in the family. The earlier law books distinguish between these secondary sons and give the right to inherit to one set but exclude the other from it altogether. In course of time however all these classes of persons rise to the rank of sons and are given the right to succeed to the properties of the deceased on the failure of legitimate issue.

It is difficult to offer any definite suggestion as to the exact circumstances which led to this retrogression. It is quite clear that a comparatively small population of Aryans surrounded by alien communities on all sides felt the need for as many sons as possible. It is possible also that the customs of the surrounding communities exercised a profound influence on the Aryan society in the matter of their social institutions. The period during which this development occurred was one of most restless activity on the part of the Aryans in their effort to adapt themselves to their new environments. The rigours of the old laws had therefore to yield before the pressure of social needs and the license of a new life.

But the reaction came later and we notice the twelve kinds of sons evaporating almost under our eyes, leaving as their residue the adopted and the arrogated son, to describe them by their Roman names. The old law is not repealed or abrogated, it simply dies out as the social need for the license in the matter of sons disappears and the Aryan bias in favour of legitimacy

reasserts itself. Other distinctions now force themselves on our attention. Even with regard to legitimate sons distinctions spring up according as the son is born of a wife of the same caste or of lower caste, according as the mother was married according to the approved or the disapproved rites. All these distinctions grow more and more rigorous till we find marriage outside the caste practically abolished and forms of marriage other than Bráhma and Âsura altogether discarded.

CHAPTER XIII.

THE LAW OF DESCENT—(*Contd.*)

§1.—*The Succession of Agnates.*

In a strictly patriarchal society, after the son the agnates would take the property, and the nearest agnates would be the brothers.

We have seen that the brother in some exceptional cases takes precedence over the son, but in most societies brothers follow the sons. Among brothers there would be grounds of distinction according as he was full or half-brother, and as he was either joint or separate.

It seems that in many cases the original idea was that the entire kindred took the inheritance of a sonless man. The idea of distinguishing between different grades of agnates is comparatively late. When this is recognised however the way in which the proximity is worked out is far from identical in different patriarchal societies or even in the societies of the Aryan stock.

The most ancient laws relating to the inheritance of collaterals and ascendants among Aryans is, as has been pointed out before, extraordinarily meagre and gives us no guidance in working out the scheme of succession in detail. I have already mentioned the scheme of inheritance in the XII Tables and Gautama Dharmasutra. Vasistha gives the following scheme for succession: (i) The first six kinds of sons; (ii) Sapindas and the second group of secondary sons; (iii) Spiritual

Originally the entire kindred inherited, sonless man. The idea of distinguishing between different grades of agnates is comparatively late. When this is recognised however the way in which the proximity is worked out is far from identical in different patriarchal societies or even in the societies of the Aryan stock.

Earliest Indian law relating to succession of agnates.

teacher or pupil, and (iv) The king. Baudhayana also gives practically the same list with the exception that after sapindas he inserts sakulyas. Gautama is distinguished from these in so far as he would give the wife the custody of the inheritance if she wishes to have a son by Niyoga. Later on, Indian law gets more complicated.

A few points may be noted with reference to these statements of the law. In the first place the inheritance passes on strictly agnatic lines. It is quite true that the term sapinda is ambiguous, but there is no doubt that although this term included daughter's sons and other cognates in later times, in its origin the term was strictly confined to agnates. With regard to the others, the *sakulyas* and *sagotras*, of course, there is no doubt that they are always agnates. Secondly, we note that these statements of the law differ as regards the exact agnates who may take.

It may possibly be inferred from this that in the kernel of the law out of which these variations were evolved there was no definite provision about it. What it probably provided was that the agnates, or rather all the kindred or, at best, the whole of a class of kindred such as sapinda or sakulya as a body succeeded. The rules as to the relative priority as between individual kinsmen belonging to the same class by reason of nearness of relationship were worked out in detail in later times. The result of this process was an enumeration of a certain number of heirs in succession followed by a succession of sapindas, sakulyas or other more distant kindred by classes, the relative priority of each individual being determined by reference to certain rules of counting degrees of proximity.

In Rome also the development of the law was apparently similar. The *proximus agnatus* was distinguished in the first instance and the relative proximity determined by counting the generations. At Athens succession lists proceeded

The development of the law in Rome, Greece and Ireland.

on the basis of a classification which resembled some

of the schools in Hindu Law. In the absence of the lineal descendants of the deceased, the inheritance went to a class of very near kindred called the *αγγιστεία* extending not beyond the children of his first cousins. The next class were descendants of the paternal grand-father. After these are found interposed, the descendants and collaterals of the mother, after which remoter kinsmen succeed according to proximity. Apart from the introduction of matrilinear kinsmen, which we shall consider later, this scheme of succession gives us an order which is an effort to develop the original rule of succession of kindred without any definite principle of differentiation. A very similar result was achieved in the same attempt by the Celtic laws. In Ireland after the descendants there came a group of kinsmen (*gelfine*) within four degrees from the father. Next came the *derbfine* who were descendants within four degrees of the grand-father. The *iaifine* included similar descendants of the great-grand-father and the *indfine* who came next included similar relations of the great-great-grand-father.

Among Germanic races a somewhat different development seems to have occurred in so far as matrilinear kinship is concerned. According to Tacitus, on the failure of children his next of kin inherit; "his own brothers, those of his father, or those of his mother." In the Lex Salica after the sons and daughters come the mother, the brother and the sister, the mother's sister and in some of the codes the father's sister. The father is not an heir except in the later law. The Lex Ribuarua and the other Leges Barbarorum also agree in the main with this except in so far as the father and the father's sister and father's brother are counted as heirs. It is noticeable that in the oldest Salic code females are altogether excluded from inheritance. Still, this preference of mother's relations is a circumstance which wants explanation.

It is remarkable however that in the Anglo-Saxon law and the

English law evolved from it we miss this element altogether and find a law of succession by classes not altogether dissimilar to the Irish Law.

* Parentelic scheme in Anglo-Saxon law.

This is the parentelic scheme. By a person's parentela we understand a person's descendants how low soever. In the parentelic scheme of succession which we find fully developed in the English law of the thirteenth century, on the failure of the descendants of a person the inheritance went to the parentela of his father and failing that to the parentela of his grand-father and so backwards in the ascending line. The question of the antiquity of this parentelic scheme in England is shrouded in obscurity. It cannot have dated back to pre-ethnic times or even to the days of Anglo-Saxons in their German home. As elsewhere, this scheme seems to have been evolved in the effort to work out a scheme of succession for the more distant kindred.

§2.—*Women as Heirs.*

In a strictly agnatic scheme of succession, women or children of the women born in the family have no place. Wives are not heirs, because in a rigorously patriarchal family they are always to be kept under subjection. Daughters are not heirs because they go out of the family and their children are children of a different family altogether. But sooner or later, every patriarchal family develops cognatic kinship and in most places widows are recognised as heirs. The problem of the transition from the purely patriarchal to this modified view of heirship has not yet been definitely solved.

Women not heirs in Patriarchal Society.

There seems to have been a time in most patriarchal societies when the wife, far from being regarded as an heir of the husband, was herself looked upon as a valuable part of the assets of the husband. The heir in many places inherited the wives of the deceased along with his other properties, barring

The position of the widow.

his own mother. At other places we find the wives distributed amongst the kinsmen, a preference being given to the husband's brother. The Levirate of the Semitic races would seem to be a considerably modified development out of this institution. The taking of the wife of the deceased involved certain obligations. If the deceased had died sonless, for instance, it implied that the first son of the widow would be considered as the son of the deceased. I have said before, how this leads, as the next step, to the Niyoga of ancient India, which, as we shall presently see, had an important bearing on the wife's position as heir in Hindu law.

Among Aryan races, the evidence points unmistakeably to the evolution of a much higher view of womanhood. The position of the *materfamilias* in Rome and the *grihapatni* in India was a remarkably dignified one. The primitive Aryan marriage was a religious contract, absolutely monogamous, by which the wife entered into spiritual and domestic partnership with the husband. Tacitus's meagre description of the position of women in Germanic society also seems to indicate a position of very great importance for the wife.

At the same time, the wife is not recognised as heir in the most ancient stratum of Hindu law or in Greek, Roman or Germanic laws. The position of the Hindu widow in the Rig Vedic times is very obscure. The Grihya law indicates that the domestic rituals terminates when the husband has been cremated with the Grihya fire. So the theory of the continuation of the existence of the husband in the wife which we find in later law could not have existed at this stage. The result was that if a man died sonless, the house absolutely broke up, and the widow became a dependant on his kinsmen. On the contrary quite an early tradition, though not as early perhaps as that embodied in the Grihya law, records the case of a husband dividing his wealth equally between his two wives preliminary to his

The widow's right of inheritance evolved —(a) from the practice of making gifts.

retirement to the woods. This it may be noted was not yet a rule of inheritance, it was in the nature of a gift by the husband, and it is not improbable that, in some Aryan societies in India at any rate, the sonless wife's right to inherit may have developed out of a practice of the husband to give the property to the wife during his life-time.

That this was not the universal source of the wife's right to inherit is indicated by the text of Gautama, And (b) from Niyoga. which is undoubtedly the earliest statement of the law on the subject. Gautama gives the inheritance to the *sapindas*, *sagotras*, etc., and lays down as an alternative that the widow should seek to raise issue to her husband by Niyoga. The brief *sutra* does not say in so many words that if the wife seeks to raise offspring by Niyoga she has custody of the heritage till the son is born, but that was obviously the meaning of the rule. In any case, it obviously led to that conclusion. In later books we find the question of the wife's rights hotly debated. Some contend that the wife's right originates in her capacity to raise issue to the deceased by Niyoga. Against this, others contend that Niyoga is not admissible if it is prompted by the desire for the inheritance. Both sides have more or less old texts to cite in their favour.

The position, historically, seems to have been this. When Niyoga became common in Arya society as a mode of raising an heir to the deceased, the widow engaged in the Niyoga naturally had the custody of the property until the son was born. The time during which women had the inheritance might be long or short,—she might never have a son. In this way people became habituated to the idea of widows continuing in possession of the property after the husband's death and gradually in their being recognised as preferential heirs. But on behalf of the kinsmen whose expectations were thus baulked limitations and restrictions came to be imposed upon the widow's right. The injunction seeking to prevent Niyoga for the sake

of the inheritance is one form of the attempt at restraint. A different form of restraint is represented by the rule that the widow takes only a life interest in the property inherited from the husband without any powers of alienation. This rule could only have arisen when the heirship of the widow is established beyond a doubt and, in point of fact we find it referred to only in later law books.

It is possible that the right of the widow may have grown up gradually. There are texts of law which indicate that the widow takes the inheritance in lieu of her subsistence, and a theory which survived till very late times, that the widow takes the inheritance if the property is small and just enough for her maintenance, can possibly trace an ancient pedigree. But these unworkable limitations were swept away in course of time and we find the later Dharmasāstras recognising the widow's right to inherit without restraint. Kātyāyana who is about the latest of Dharmasastra-writers bases the widow's right on her position well-recognised in the sacred law, that the wife is half the person of the husband and continues his existence after his death. That this was the latest development of law cannot be doubted, but the text indicates that, throughout, the religious law, which gave the wife a very lofty position, exercised a considerable influence in determining this final development. The changed order of society and the consequent change of the outlook of people towards the widow acted as the motive force behind the entire development.

Patriarchal society was not likely to be stable anywhere except under conditions and ideas which prevailed in very ancient times. With the change in this, society gradually broke through the strictly patriarchal system in many ways. One of these was the change of outlook towards women. Women are gradually viewed less and less as chattels and come to be regarded more and more as companions and equals of men. A concomitant of this change is the improvement in the status of wives. It is achieved in different ways in different

countries, but a very general result of this improved status is the heirship of the wife. In Rome the progress of the wife to full heirship was slow and tardy though the mater-familias was a person of very great importance, because perhaps, the wife was generally very well provided for otherwise. In England, under the feudal law the wife's dower was a limited right, because the entire constitution of the feudal system militated against her rights. Occasionally too the progress has been retarded for a time by a wave of reaction conditioned by new social circumstances. But the general tendency has been everywhere in patriarchal society, sooner or later, to give the sonless wife the right of inheritance to her husband's property.

I have already dealt with the history of the introduction of the daughter and the daughter's son and through them the entire body of cognates into the Hindu scheme of kinship.

Daughter and cognates as heirs. The right of inheritance went with kinship as a matter of course. In Rome, cognation was deliberately introduced by the praetor as a part of the Jus Naturale. But before the institution could have risen to the rank of a natural law in the estimation of juriconsults it must have established itself already in the mind of the people. It was because the patriarchal organisation of society had given way so far that married daughters had often come to live with their parents—and sonless people would have their daughters about them—that it could seem unnatural to people that a daughter's son of a sonless man should never have the inheritance. The conditions under which cognation came to be recognised in Greece and Rome were not identical with those in India, but behind such recognition everywhere there were changed social institutions which made it possible for affection to extend to married daughters and their children and for daughters not to be made altogether alien by marriage.

Germanic law however is not capable of explanation on this basis. Tacitus mentions that in Germany children are regarded as kindred to paternal and maternal uncles alike. This of course is perfectly intelligible. This implies that the principle of cognation was recognised here to a greater extent than elsewhere, but it does not interfere with a theory of the original patriarchal character of the social organisation.

The difficulty arises however from the obvious preference shown to maternal kindred in the Barbarian codes. In the earliest code of the Lex Salica, females are altogether excluded, but still the mother's brother comes before the father's brother. In later law the same preference of maternal kinsmen is retained. The father is not regarded as an heir at all in most of these codes and he is not an heir under Anglo-Saxon law, though the mother is everywhere regarded as heir.

The exclusion of the father is easily accounted for. In early Germanic society, even in early Anglo-Saxon law the son could not conceivably become owner of any appreciable property during the father's life-time. So the case of a father succeeding his son was hardly conceivable in those days. This therefore does not imply mother-right or any deviation from the patriarchal idea in family organisation.

The preference shown for the maternal aunt and the maternal uncle over the paternal aunt and paternal uncle however is not so easily explained. Opinion in German learned circles is overwhelmingly in favour of considering these as survivals of Mutterrecht which, according to them, prevailed amongst Germans. The arguments advanced in support of this view are by no means convincing. The pre-eminence given to sons above all other heirs in all the Barbarian codes go entirely against the mother-right theory. And, there can be no doubt of the patriarchal character of the society in

Germany of primitive times from collateral evidence. The husband, according to Tacitus, had complete control over the wife; the wife lived with the husband and was expected to be scrupulously chaste.* Although father-right as such is not vouched for by Tacitus, the evidences in favour of the father's power derived from collateral sources are not wanting. All these things, taken along with evidences of the original institutions of the Aryan race seems to place the thesis about mother-right on a very doubtful plane, to say the least.

The mere preference of mother's kindred in a scheme of inheritance, specially where the preference is only slight, may be explained otherwise. Influence of communities among whom Germanic races may have lived and developed their institutions, may account for the rule. Besides, strict exogamy appears to have been abrogated quite early by the Germans. Where the mother's kindred are not aliens to the kin but a part of them, the treatment of relations through the father and the mother on the same footing would be quite natural. If we consider further, that a father might have more than one wife, the possibility of the mother being intimately associated with her own kin and her son showing preference for the mother's kindred is quite conceivable. In fact the utmost that we can say is that we cannot explain these rules. We do not know enough of the social history and environments of the Germanic race to say how these institutions so peculiar in a race of the Indo-Germanic stock may have come into existence.

CHAPTER XIV.

TESTAMENTARY SUCCESSION.

Sir Henry Maine's theory about the history of wills is entirely based upon the history of testaments in Roman law. The early will of Roman law was the *Testamentum Comitiæ Calatiis*. The Comitia Calata was an assembly of all the gentes, identical in constitution with the Comitia Curiata but performing different functions. It was an assembly in which all the patricians were present and which was in a special manner under religious protection. The institution of an heir by a patrician in this Assembly was a solemn and formal act which was absolutely binding.

Maine is right in insisting that the true meaning of this testament must not be sought in the fact that the Comitia Calata was originally the legislative body of Rome and that this declaration confirmed by the Comitia was in effect a legislative modification of the law of inheritance. Such a theory is untenable, because the Comitia Curiata was never a legislative body in the modern sense, and if there was a general law of inheritance in sacred law which did not recognise the testament, the Comitia could not conceivably alter the law. Maine's own view is that the significance of the declaration in the Comitia lay in the fact that all the gentes were present there. It implies according to him that under the primitive Roman law, testaments were only permissible on the failure of heirs and this declaration ensured that the testament deprived no one of the inheritance without his consent.

When a law of intestate succession has been definitely settled, ancient law often shows itself jealous of dispositions of property to the detriment of the interests of heirs. This tendency manifests itself in rules restricting alienations *inter vivos* as well as testamentary, in the provision of a birthright or a legitim and occasionally in forbidding altogether dispositions of property so as to affect the law of inheritance. But as we have seen before, the power of disposing of property in such a manner that the gift should continue to be binding after death, already existed before a definite rule of inheritance and the heir's right to succeed came to be recognised. No doubt this right was exercised in most places by an act *inter vivos* but in many places the gift was *mortis causa* and, in India, it was in effect more in the nature of a testamentary disposition than aught else, for the donor, in such cases, retired from the world for life after making the gift. The testamentary gift of Rome may easily have developed out of this and, for placing the title of the successor beyond cavil, it may have been made in the presence of the entire community. It is nothing unusual in ancient times to have important juristic acts affecting the status of persons performed in the presence of the entire kindred or community. Thus Vasistha insists that an adoption must be made after sacrifices made, in the presence of all the kindred and with notice to the king. In the Njal Saga we find that when Unna wishes to sever the marriage tie with Hrut, she goes and makes the declaration on the Hill of Laws, at the Thing, the assembly of the entire community periodically convened for transacting legal business.

The Mancipatory will of later Roman Law presupposes the idea of testament.

If this view is correct the testament will have to be traced back to its source in the same act of primitive law out of which the law of intestate succession was evolved. The supposition that rules of intestate succession were first established and that testaments arose out of the discontent people felt at a later

age with the law of inheritance cannot then be sustained. In attempting to establish this thesis Maine entirely slurs over the testament in the *Comitia Calata* and puts exclusive emphasis on the Mancipatory Will in Roman Law. It is quite true that the Mancipatory Will was historically the source of the Roman Will of later days, but it did not introduce the idea of testation for the first time in Roman society. On the contrary the idea was already in existence from the earliest historical times in the shape of the testament in the *Comitia Calata*. The Mancipatory Will was evolved much later for almost the identical reasons which led to the evolution of coemption as a form of marriage. The testament in the *Comitia Calata* was open only to the *Patricii*. The Plebeian also wanted to make his will. He knew what a will was, there was no difficulty about making a will except that there was no recognised legal form of will which a Plebeian might adopt. The whole question with him was to find a form for doing in effect what the Patrician was already doing. The same problem arose when the Plebeian wanted to have a *justum matrimonium* with the consequent rights over the wife and children. And a solution was obtained by recourse to the same institution of Mancipation which had by this time been made quite handy for the purpose by the development of fiduciary Mancipation. The evolution of the Mancipatory Will therefore furnishes no clue to the origin of the Will as such. It presupposed the existence of the concept of testation. In Rome this concept dates back to the earliest historical times. It is possible to trace back its history by reference to the customs and laws of ancient and retarded races till it shades off imperceptibly into a transfer *inter vivos*. It does not appear that in primitive society when property consisted of small personal belongings, people found any difficulty in understanding the disposition of properties by a dying man as he chose. In Anglo-Saxon law testamentary gifts of land seem to have been practised without the people being conscious of doing anything out of the way or of developing a new category of law. So far

as I am aware the power of testament is nowhere recognised in the written laws of the Anglo-Saxons ; but it was practised without question before the Norman conquest.

The later history of Wills in Roman Law is interesting as illustrating the circuitous processes by which people achieve what are to us simple results ; it does not illustrate the evolution of the testamentary idea. When the Plebeian wanted a Will, Roman jurists adapted the Mancipation for the purpose. The entire familia, the sumtotal of the rights and obligations was passed on to the Familiae Emptor under an obligation imposed by the nuncupatio, to let the testator remain in possession of the properties during his lifetime and to dispose of the properties after his death according to the directions of the testator. As, by the law of the Twelve Tables, the directions in the nuncupatio had become binding in law, this had the effect of transferring property so that the transfer should take effect after the death of the testator. Later on, the formalities were dropped in due course and all that remained of the Mancipatory Will was a declaration attested by seven witnesses, representing the Familiae Emptor, the Libripens and the five witnesses who were present at a Mancipatory Will. Thus was developed the Praetorian Will which was the first Will in the modern sense. The Mancipatory Will, by its comparative simplicity of procedure gradually ousted the Will in the Comitia Calata and was established as the only form of Will for the Plebeian and the Patrician alike.

When a law of intestate succession has been established, the heir, in course of time, is looked upon as having a sort of vested right in the inheritance and there grows up a tendency to restrain the owner's power to make gifts or other dispositions of property which would deprive the heir of his expectations. The later history is a struggle between this tendency and the theory of freedom of disposition. The result of this conflict is a compromise which takes various shapes.

Restrictions on powers of testation.

I have already said how the rights of a Hindu owner in the matter of the disposition of his properties was gradually restrained by law till the culmination was reached in one school of law in the recognition of equal rights of the regular heirs in the property in the hands of a person. We find restraints on gifts in other forms in other places. Amongst some races we find that when a man makes a gift of property the donee's title may be set aside at the donor's death, by his heirs. In Babylon, where the deceased has alienated property during his lifetime his heirs may have the sale set aside on payment of the price paid by the assignee. In Hindu Law one of the earlier restrictive rules only seeks to prevent the alienation of the entire ancestral property so as to leave the heirs altogether without a subsistence. This sort of rule is found to develop into rules which provide a legitim for the heir in the shape of a definite aliquot part of the property.

Circumstances affecting the development of Wills.

The ultimate effect of this struggle between the principles of alienation and the vested rights of heirs is determined by a great many social factors. In Rome we find a free power of testation developed in all things, subject to the heir's legitim. On the contrary, in India, we find the testamentary power could never develop beyond the power of making a partition at will among sons by an act *inter vivos*. The reasons for this difference have to be sought in the social and legal environments of the institution. In Rome not only is the power of testation recognised, the people display a passion for testaments. This goes along with an wooden and rigorous law of inheritance which preferred very distant agnates and gentiles to near relations like daughter's sons and sister's sons and uterine cousins. This narrow law of inheritance and the law of wills acted and reacted on each other. The law of inheritance gave rise to the freedom of testation. And, the freedom of testation, coupled with freedom of adoption took away the incentive to a reform in the law of inheritance. In Rome the change in the law of inheritance

came very slowly, and, even when cognates were recognised as heirs, they had at first to take a very subordinate place in the scheme of inheritance.

In India on the contrary the law of inheritance is found to be more elastic and more responsive to the changes in social relations. This perhaps accounts in certain measure for the fact that testaments never developed in India. Besides, there is the fact that the partition of the inheritance by an old man during his lifetime was evidently so much of a rule and such freedom was apparently permitted in the disposition in the earlier days of the law, that testamentary dispositions were not needed. In addition we have to take into consideration the fact that large families developed comparatively early in Hindu society and, even before the notion of joint family ownership developed, the family property must have come to be looked upon as more or less of a provision for the maintenance of the family. In large families there are comparatively few occasions when the family becomes extinct altogether. Besides, there was ample power in the owner to deprive any one of the inheritance or to distinguish any heir by giving him a preferential share *inter vivos*. All these circumstances must be responsible very largely for the absence of testamentary powers in Hindu Law.

Adoption and Wills. Besides, there was the institution of adoption, which to some extent served the same purpose as a will. That adoption became a very important legal institution in India in the middle ages, owing, to some extent perhaps, to the growing inelasticity of the law of inheritance, cannot be doubted, and it is also clear that in many cases adoption serves a testamentary purpose. But there is some risk of attaching too much significance to this aspect of adoption. We must bear in mind that adoption was not a very favourite institution in ancient India. Besides even in later days when the law of adoption grew into huge proportions, it was resorted to, in more cases than not, for

the purpose of provision of the soul's welfare in after life or from the natural craving for paternity or maternity. The testamentary purpose of adoption is not very prominent even in modern times; and in most places there were very great difficulties in making the institution serve the purpose. For adoption only very young boys are admissible and very often they are not adopted by reason the particular boy being singled out in the affections of the adoptive parent. In adoption the point of importance is to have a son, identity of the son is secondary and tends to be immaterial; while in testament the important thing is the person chosen.

APPENDIX

THE HINDU JOINT FAMILY

There is a large amount of confusion with regard to the law of joint family in ancient India. The general opinion among Western scholars from the time of Maine onwards has been that the Mitāksharā view of the constitution of the joint family and the rights of the members *inter se* is the primitive Hindu concept and that the view represented by the Dāyabhāga of Jimutavāhana represents a later advance.

With regard to what the real law of the Mitāksharā is, there has also been some amount of confusion. A series of judicial decisions has, by drawing on the concept of the law of joint tenancy in English law, given an interpretation to the law which goes very much further than what is laid down in the Mitāksharā itself. The law of the Mitāksharā only amounts to this that the immoveable property in the hands of a person is to be regarded as a fund for the maintenance of the family; and his sons, grandsons and great-grandsons in the male line acquire a proprietary interest in it by birth. This co-ownership does not go so far as to entitle sons and grandsons to claim a partition against the will of the father. They have a right to partition, otherwise than at the will of the father, only against an old and senile father and where the father is suffering from a protracted illness, but not otherwise. The father, however, has no power to alienate the immoveable property without the consent of the sons, grandsons and great-grandsons except for family necessity and for necessary religious purposes. Some distinction is made between self-acquired and ancestral properties in this respect.¹

¹ Mitāksharā, under Yajn. II, 114, pp. 181-84 (Moghe's Ed.). This view was put forward with great force by Nelson. See his *View of Hindu Law and Prospectus on a Scientific Study of Hindu Law* and Burnell in his introduction to the *Dayabhāga*.

It can be said without hesitation that this was not the oldest law in India. In Vedic Society, it is evident, not only have the sons no right by birth in the immoveable property in the hands of the father, but there was no such thing as a joint family of the father and grown-up sons. Heads of families in Vedic literature are found to make gifts of immoveable properties quite freely and no suggestion of the sons having the right to forbid such alienations is even hinted at.¹ The absolute mastery of the father in the family over, not only the properties, but also the persons of sons in Vedic literature is not a whit inferior to that of the Roman *pater-familias*.

The scheme of life of the Ârya as evidenced by the Grihya and Dharma Sutras also negatives the idea of joint families in Vedic times. The Ârya is initiated at a tender age, after which he lives with his teacher till he reaches maturity. After finishing his studies he performs a ceremonial ablution and becomes a *Snâtaka*. The life of a *Snâtaka* is one of only slightly less austerity than that of a *Brahmachari* and his chief characteristic is that he has no fire at which he can offer his oblations. This idea would be inconsistent with the membership of a joint family which is conceived, at a later age, to be a family with one domestic fire (*Grihya Agni*) at which all the members offer their daily oblations.

The *Snâtaka* is enjoined to get himself married as soon as possible and to set up a fire. At the wedding, a fire is lighted, before which the ceremonies to be performed at the bride's father's house are performed. This fire is carefully carried in the bridal chariot to the bridegroom's house where it is established. And from that day onwards the married couple has to keep the fire constantly lighted and to offer daily oblations to it. Each marriage in the Vedic and Grihya ritual therefore means the lighting of a separate fire and each Hearth-Fire is the symbol of a separate house. The idea

¹ Compare, for instance, the opening story of *Kathopanishad*, in which the king is found to give away all he had, though he has a son. Numerous such stories of gifts would be familiar to every student of Vedic Literature.

of one common fire for an entire household consisting of father and married sons and grandsons is a later concept and is inconsistent with the entire scheme of the Grihya ritualism. In later ritual, apparently when the perpetual Hearth-Fire has ceased to be a feature of the household, we find a common fire which is broken up with the lighting of separate fires on a partition. In the Grihya ritual however we do not find such a joint fire anywhere. The Grihya fire and Grihya rites of each married couple are throughout conceived as separate in the Grihya Sutras.

In this connection, it is worthy of note that the Āpastamba Grihya Sutras interposes the ceremony of House-building between the nuptial ceremonies at the bride's house and those at the bridegroom's house. This seems to indicate clearly that the Grihya contemplated that a person built a house upon his marriage, before he brought home his wife.

Another fact which seems to lead to the same conclusion is the plan of a house as indicated in the ritual of Bali-harana in Baudhāyana's Grihya Sutras. In this ceremony offerings are made at different parts of the householder's house. After the offering at the front gate of the house the worshipper "goes out" and makes his offering at the "eldest brother's house."¹ This obviously indicates that while brothers lived side by side, each brother had a separate house, including his bedroom, his fire-house, his store-room, his husking room, etc. In the scheme of Balis to be offered we should have expected to have found reference to the rooms of other members of a joint household living within the ambit of the same house, if the existence of such joint households were contemplated as possible.

On the whole it can be said with confidence that there is no trace in the ritual literature of the Vedic times of joint families of married sons and grandsons living in the same house with the father. The Vedic family consisted of the husband, wife and immature sons and unmarried daughters.

¹ उपनिषत्सु ज्योतिषशास्त्रे ।—Bodh. Grihya.

The only evidence which may be urged against this view, so far as I have been able to find, is the text (Rig Veda, X, 85, 46) :

साम्नाज्ञी यशुरे भव साम्नाज्ञी यश्वं भव । नानन्दरि साम्नाज्ञी भव
साम्नाज्ञी यधि देवेषु ।

This passage is usually translated thus "Be empress over the father-in-law, be empress over the mother-in-law, be empress over sisters-in-law. Be empress over the devaras (husband's brothers)."

In the first place I find difficulty in accepting this translation inasmuch as the interpretation of *samrājñi* in the Rig Veda as 'empress' seems to be an anachronism. I do not know of any unambiguous evidence in the Rig Veda to indicate that the concept of "Empire" was known in those days. It seems more probable that *samrājñi* in the Rig Veda stood for its radical sense of "specially agreeable" or "specially adorning." If we take this sense of the term this text would mean that the bride is invoked to be agreeable to the father-in-law, the mother-in-law and brothers and sisters-in-law. This would not necessarily involve their living in the same household. As we gather from the Baliharana ceremony in Baudhāyana's Gṛihya, though brothers, sons, etc., had separate houses, their houses lay side by side. As against others, they formed a distinct group living in adjoining houses and, together with other similar groups descended from a not too remote ancestors, they formed a wider group (the kula or the gens) and the groups gradually widened into societies of *gotra*, *jana*, *janma*, etc. If this is correct, the invocation can be easily understood without assuming that the relations referred to in this text necessarily lived in the same house. They were near one another and for many purposes they had common interests and a common life as distinguished from other members of the society, but they might, for all that, live in separate houses.

The joint family of the father and grown-up and married sons and grandsons of which we find plenty of evidence in the Smritis came into existence later on. The growth of this family probably coincided with growing prosperity and the importance of landed property. So long as land was abundant and one had only to settle on new land to start cultivation, a son on marriage naturally went out of the house and set up for himself. At a later date, when the land could not be had for the asking, the family land would attract the sons and they would not separate so easily. This and other circumstances probably contributed to build up the joint family. How far this development was the natural result of economic forces and how far it was determined by extraneous influences will never be exactly known.

In Vedic society, as I have mentioned above, there is no indication of the existence of the rights of the family in the properties, immoveable or otherwise, in the hands of a person. In the extant Dharmasastras too we do not get any trace of any such right. On the contrary the idea underlying them is throughout the same as we find in Roman law—that of absolute individual ownership of the paterfamilias. It is quite true that the father in his old age was expected, as a matter of course, to divide his wealth among his sons (Rigveda I, 70, 5; X, 61, 1, Taitt. Sam. III, 19, 4) but this did not apparently amount to a right of the sons to claim partition. Before partition between sons, the father was apparently absolute in his ownership.

In later law we find restraints on alienation growing. The texts of law bearing on the subject, which were doubtless developed in different stages of society and in different environments are an interesting study. They show a gradually growing tendency to restrain the father's free dealings with the property till at last we reach the climax in a theory of the acquisition of co-ownership with the father of sons and grandsons from the moment of their birth.

It is idle to seek to place these texts in a chronological order. For, apart from the fact that the chronology, even of extant complete smritis is as hopeless a quest as any in archæology, the texts are mostly to be found surviving only in fragmentary quotations in the text-books of the middle ages. No attempt to place these fragments in a chronological order is therefore likely to be successful. Besides, even if the chronology of the texts could be ascertained, it would give no clue to the actual sequence of the texts in an evolutionary order. For the texts were composed in widely different lands in which the paces of development of laws were probably very different. A law or an institution which had been extinct in the Punjab for centuries might be flourishing in the Andhra country several centuries later. The mere fact, therefore, that a particular text was recorded in the Andhra country at a later date would not necessarily imply that it represented a later stage of law.

It is quite possible however to construct an evolutionary sequence in the texts if we remember that the earliest of these texts must be those which approximate nearest to the Vedic rule of absolute ownership of the father. From this point of view we can place the various texts in four different groups corresponding to four different stages in the evolution of the law.

In the first group we may place the texts denying any rights of sons; *e.g.*,

जह्नुं पितुश्च मातुश्च समेत्य भ्रातरः समम् ।

भजेरण् पैतृकं ऋकथमनीशास्ते हि जीवतोः ॥ Manu.

“Upon the demise of the father and the mother, the brothers should come together and divide the paternal wealth, they have no property in it while they (the parents) live.”

पितर्युपरते पुत्राः विभज्युर्धनं पितुः ।

अस्मान् हि भवेदेषां निर्दोषि पितरि स्थिते ॥ Devala.

“ Upon the death of the father, the sons should divide the wealth of the father ; they have no property so long as the father lives faultless.”

जोवति पितरि पुत्राणामर्धादान विसर्गाक्षेपेषु न स्वातन्त्र्यं, कामं दौने मोषिते चास्तिं गते वा ज्येष्ठोऽर्थास्थियेत् । Harita.

“ While the father lives, the sons have no freedom in accepting, giving or pledging wealth; if the father is in distress or is gone abroad or is suffering from illness the eldest son should look after affairs.”

जह्वं पितु पुत्राः रिक्थं विभजेयुः, निवृत्ते रजसि मातुर्जिवति चेच्छति ।

Gautama.

“ Upon the death of the father the sons should divide the father's wealth or, during his life-time upon the mother being past child-bearing, at his desire.”

These texts are a clear negation of the son's rights, not only to claim partition with the father, but also of any right of ownership in the sons. This view is perfectly consistent with the compulsory partition at the instance of the sons when the father is suffering from senile decay or a protracted and incurable illness, which we find indicated in some of these texts. But, as the text of Harita above shows, even here, the older opinion seems to have looked upon partition with disfavour. The more acceptable course was for the eldest son to manage the affairs on behalf of the father.

The next stage is marked by texts which deprecate alienations of immoveable property by the father, *e.g.*, the following text :

स्थावरं द्विपदञ्चैव यद्यपि स्वयमर्जितं ।

असम्भूय सुतान् सर्वान् न दानं न च विक्रयः ॥

ये जाता येऽप्यजाता ये च गर्भे व्यवस्थिता ।

वृत्तिं तैः भिक्षांश्च न दानं न च विक्रयः ॥

cited as Vyasa's text.

In the text as quoted in the Dayabhaga, the last words are

“वृत्तिलोपः विगर्हितः ।”

“Immoveables and slaves even if they have been acquired (by a person) himself cannot be sold without bringing together all the sons. Those who are born, those who are unborn and those who are in the womb, all look for maintenance; there is no gift nor sale (permitted)” (or, following the version in the Dayabhaga, “it is reprehensible to destroy their livelihood”).

This text apparently marks the transition from the notion of absolute ownership of the father to that of co-ownership of sons. The immoveable property (and slaves) is now looked upon as a fund for the maintenance of the family and it is considered reprehensible for a father to destroy the fund. Here the restriction is obviously in the nature of a moral and religious injunction only, it is not a denial of the father's right of absolute ownership.

This is however denied in respect of immoveables generally in a text which I should place in the third class :

“मणिसुक्ताप्रवालाणां सर्वस्येव पिता प्रभुः ।

स्वावरस्य तु सर्वस्य न पिता न पितामहः ॥”

“Of the gems, pearls and corals, the father is the master of all. But of all the immoveables neither the father nor the grand-father (is the master).”

So far, we find that the lawgivers are seeking only to place restraints and limitations on the father's powers of disposition of immoveable property, and that on account of the expectation of sons and grandsons to look to that property for their maintenance. As yet no idea of ownership in the sons and grandsons themselves has been developed. This however is developed in the last set of texts which marks the last stage of development of family rights and is made the foundation of the

theory promulgated by Viswarupa and developed by Aparāṅka, Viṇāśeswara and their successors. They are —

“सूर्या पित्रात्मज्ञेयत्वा निवन्तो ह्यवमेव यत् ।
तद्वत्त्वात् सदृशं स्वाम्यं पित्रा मुक्तस्य स्वोभयोः ॥”

Vajnavalkya.

“In land descended from the grandfather, in Nibandha (a species of incorporeal rights) and dravyas (specified things) there shall be equal ownership of both the father and the son.”

“पैतामहेत्येवं पितृपुत्रयोस्तुल्यस्वामित्वं ।” Vishnu.

“In grand-paternal wealth, the ownership of father and sons is equal.”

This clearly seems to be the order of evolution of the concept which now holds sway over the greater part of India, thanks largely to the great authority of the Mitāksharā, that sons, grandsons and great-grandsons acquire, by their mere birth, an equal ownership in ancestral immoveable property in the hands of a person. It is not as if the evolution has been one unbroken continuous process. On the contrary, we find that at all the stages of evolution this doctrine has had to struggle against opposing views put forward on the basis of older texts. The struggle must have spread over a long time and it was carried on over a large continent. Naturally therefore the progress towards this end must have been a very complicated process. Even when this end was reached, the opposite view was quite strong, as exemplified by the views of such renowned jurists as Dhāreswara quoted by Jimutavāhana. And, even to this day there is at least one school of law, the Bengal school, in which the older theory, which I should characterise as distinctively Aryan and patriarchal, is strenuously upheld.

The progress towards the theory of right by birth and of the characteristic joint family of Hindu law could hardly have been determined by purely logical or even economic factors. I am

disposed to think that the example of non-Aryan races among whom the Aryans lived was a potent factor in developing the law of joint family.

The first important thing to note in this connection is that the strictest and the most logical joint family is to be found not in Aryan societies but in the Malabar tarwad. This is the true type of a joint family in which the right by birth of every member of the family in the tarwad properties is scrupulously recognised. If we can imagine that Dravidian society before its Aryanisation was organised on a similar basis, or at any rate that the Aryan society was at some stage of its history living in close and intimate intercourse with societies organised on the principles governing the Malabar society, it becomes possible to say that Aryan law was largely influenced by the example of these neighbours in developing a theory of family ownership.

The next important thing to note is that the concept of family ownership develops naturally in a Matriarchal society. It does not grow naturally in patriarchal families the corner-stone of which is the absolute authority of the father. In matriarchal societies on the other hand the male head of the family does not transmit his property to his offspring. He naturally falls into the position of a manager and trustee. The only productive members of the family are females who are permanent residents of the house. At the same time females are generally regarded not as owners or principals but as subordinate members of the family. They do not become owners and cannot divide the property. The only stable form of the organisation that can develop in a family with a permanent female population, who give birth to males who are entitled to enjoy the property only for their lives, is a joint impartible property managed by a male in the interest of the entire family.

Remembering then that Aryan society as depicted in the Vedas did not know of the joint family and that they were probably in close contact with matriarchal societies of the Nair type, it seems quite natural to suppose that Aryan society, when

faced with the problem of reconciling the interests of the offspring with the ownership of the head of the family gradually approximated to the model of matriarchal families with joint ownership and adapted the institution to their own ancient notions. It is quite possible therefore that the peculiar type of family ownership which was developed in some schools of Hindu law was largely influenced by the model of societies of the Nair type.

ANALYSIS OF MEANING IN INDIAN SEMANTICS.

By

S. VARMA.

I. MEANING AS A RELATION.

Meaning has been defined, by the majority of ancient Indian writers on Philosophy and Semantics, in terms of a relation. Thus Vijñānabhikshu, while commenting on the Sāṅkhya Sūtra, v. 37, defines meaning as a relation between the word and the object denoted. This relation is a power¹ which exists in the object

Definition of meaning as a relation.

¹ According to the Grammarians Bhaṭṭoji Dīkshita and Kaundabhaṭṭa, denotative power resides exclusively in words. (Vaijākaraṇa-bhūṣaṇa, p. 243, Manjūśā, pp. 23-26.) The Sāṅkhya and the Vedānta, however, maintain that this power resides in objects also. So the Vedānta assigns the "expressedness" of the jar to the "cidābhāsa" "reflected consciousness" (Pancadaśī, Chap. VIII, 4-15).

In this connection cf. Plato, who in his *Cratylus* attributes a power to the nature of things, by which the form of words is determined. (Vide, Theodore Benfey, *Die Aufgabe des platonischen Dialogs Kratylus*, pp. 10, 43, 54, 57.) Buddhist Philosophy, on the other hand, while admitting that objects directly produce perception, forcibly disputes the view that objects can generate words. When we perceive the object cow, it is not the object which produces in our minds the word cow, it is memory which, by association, presents to us the word cow. (Vide the *Nyāyabinduṭīkā* of Dharmottara, pp. 10-11, Das-Gupta's *History of Indian Philosophy*, pp. 153, 340.)

In this discussion we should carefully distinguish between the metaphysical theories of Epistemology and the psychological theories of language. The theories which attribute a significant power to objects, are a part of that general scheme of Epistemology, which, like Plato's theory of ideas, attribute a universality to consciousness. Psychologically, however, Indian Philosophy conceives of language as an instrument of cognition (*Bhāṣā-parichheda*, stanza 81; *Vākyapadīya*, III, 3.32), and even Plato in his *Cratylus* speaks of language as an "ὄργανον" "instrument" when he says, "ὄργανον ἂν τί ἐστι καὶ τὸ ὄνομα" "Therefore the name is also an instrument" (*Cratylus*, D, 388 ff.). It is evident, then, that with the conception of language as an instrument of cognition, words become the means and the cognition of objects the end, and in this case the view of Bhaṭṭoji-dīkshita and Kaundabhaṭṭa, who attribute this power only to words and not to objects, seems to be more plausible. But a little reflection will show that the Sāṅkhya view according to which this cognitive power lies, neither in the words only, nor in objects

as signifiability and in the word as significativeness. It is through the cognition of this relation that the presentation of objects by means of words is possible. In the same way, Gaṅgeśa in his *Tattvacintāmaṇi* (IV, II, p. 627) thus defines Meaning :—Meaning is that relation between the word and the object denoted, by which the object is cognised. So does the great Grammarian Nāgeśabhaṭṭa in his *Manjūshā* (p. 28) in which he speaks of meaning as a particular relation between the word and the object denoted, being synonymous with the relation of the thing signified and that which signifies.¹

The existence of this relation has been traced to the following sources :—

(1) *The direct instruction of trustworthy authority.*—As Venkaṭa in his *Nyāyaparīśuddhi* (p. 395) explains it, the

only, but in both, is more rational. For it is in the form of a relation that this power resides in words as well as in objects. As a subsequent discussion will show, mere words cannot serve as the cause of verbal cognition; it is the relation between the word and the object which is the most potent factor of such cognition.

The Nyāya School, however, does not maintain the conception of this relation as a power. Thus Jayanta Bhaṭṭa in his *Nyāyamañjarī* (p. 243) disputes this view, and states that neither perception nor inference can prove the existence of this power in words as a distinct category. The denotative power of words can be ultimately traced to convention, and hence it is convention in which denotative power lies and not in the relation between words and objects. He, however, attributes a certain capacity to the word and to the object denoted. But this capacity is confined only to the word as a significant, and to the object as the signified. Thus the capacity of the word 'gauḥ' (cow) lies in the successive combination of two letters *g* and *au* serving to constitute only a significant, and not to denote the object.

But the Sāṅkhya view which conceives of this relation as a power, is more psychological. Whatever may be said of the ultimates of this relation, whether it be ultimately traced to nature or to convention or to both, it is a psychological fact that the cognition of this relation at once gives us the meaning and thus the relation distinctly strikes the mind as a power.

¹ Cf. a posthumous French work of F. D. Saussure, "*Cours de Linguistique générale*," 1916, p. 148. "The linguistic entity exists only by the association of the significant and the object signified; as soon as we retain only one of these elements, it vanishes..... A series of sounds is linguistic only if it is the support of an idea; taken by itself it is nothing more than a subject for physiological study."

Cf. also Otto Jespersen's "Language," p. 113; "To the child, as well as to the grown-up, the two elements, the outer, phonetic element, and the inner element, meaning of a word are indissolubly connected."

child thus cognises the relation between the word and the

The child's cognition of this relation.

object denoted :—When the father, the mother, and other relations directly pointing out with the finger various persons and things, say to the child, “This is your mother, father, uncle,” “That is the moon, the beast, a man, deer, a bird, a serpent,” and so forth, the child is repeatedly instructed in the knowledge of various objects by means of various words. It then gradually begins to find that it has to understand only particular objects from particular words, and finding no other relation between the word and the object denoted, and having no knowledge of the persons who coined these words, the child concludes that the use of particular words is the source of denoting particular objects. When the child grows up, its seniors directly instruct it in the meanings of words unknown to it, saying “This is the word for this object,” “this word means this object.” The child then begins to use these words in sentences in order to communicate its thoughts to others.

(2) *Syntactical connection with words already known.*—

As Aniruddha in his *Sāṅkhyavṛtti*, p. 168, points out, from the sentence “The bird is eating the mango,” the child first understands that the object signified is that which is eating the mango, and then cognises the relation of that object to the word “bird.”

(3) *The movements of seniors.*—When a grown-up employer orders a grown-up employee with the words “Bring a jar” and when the employee brings the jar, the child standing by infers therefrom the relation of the word jar to the object denoted by it. This cognition, as Viśvanātha in his *Nyāyasiddhāntamuktāvali* (Benares, IV, p. 15) explains it, involves a two-fold process, the process of assimilation and elimination (*āvāpod vāpa*). The child first

A process of assimilation and elimination.

comprehends in the above instance that the act of bringing a jar is a sequence of the sentence “Bring a jar.” Then on another occasion the same child

hears the sentence "Take away the jar" and thus finding that a variety of acts is connected with the common factor "the jar," it takes this common factor and thus cognises the relation of the word jar with the object jar.

Nāgēsabhaṭṭa points out in this connection (Manjūśā, p. 23) that the child in this case infers from the action of the grown-up employee that the latter has a cognition of the word jar. So the word jar is *understood* to be the cause of the cognition. But causality is inconceivable without a relationship; a relation between the word and the object denoted must therefore be recognised. As Bhartrihari in his Vākyapadīya, III, 3.37, says, only when there is a relation (between the word and the object denoted) can the word be the cause of the cognition of the object denoted. It is apparent, therefore, that there does exist a relation between the two.

(4) Ordinary usage in the genitive case also indicates the relation between the word and the object denoted (Vākyapadīya, III, 3.3). Thus we say, "This is the meaning of this word," "This word is the signifiant of this object." But for a relationship between the two, we could not speak of them in this way.¹

(5) Gautama points out in his Nyāya Sūtra, II, 1.53, that if a relation between the word and the object denoted be not accepted, the restriction as to the denotability of particular words will be invalid. There will be no reason, then, for instance, why the word jar should denote only the object jar and not the object cloth. It is cognition of this restriction by which we are led to accept a relation between the word and the object denoted.

(6) Gaṅgeśa in his Tattvacintāmaṇi (IV, p. 540) thus establishes the duality of the factors of verbal cognition:—A

¹ So Vātsyāyana, while commenting on the Nyāyasūtra, II, 1.50, states that the relation between the word and the object denoted is acceptable in a certain sense and unacceptable in another sense. It is acceptable so far as the relation is cognised by us when it is expressed in the Genitive case, "the meaning of this word," "the signifiant of this object."

mere word cannot be the cause of cognition. For an object may be cognised even without the knowledge of its name, while sometimes the object denoted is not cognised despite the knowledge of the word. It is only when cognised as member of a relation that the word can serve as a cognitive agent.

(7) The *Sabdālokaivēka*¹ (p. 465) of Jayarāma establishes

The relation syllogistically established.

the relation between the word and the object denoted by the following syllogism :—

The word lotus has a relation cognitive of the object lotus, as it is used by people to give a cognition of the object lotus.

(8) The above syllogism is evidently a formal generalisation and does not take into account the psychological process involved in the individual's cognition of the relationship in question. Kumārila in his *Slokavārtika* proves more psychologically into the question and describes three stages

Psychological stages in the development of this cognition.

in the cognition of this relation. Thus when a child observes a grown-up employer directing his employee with the words "Fetch a

cow" and the employee brings the cow, the relation between the word cow and the object cow is cognised by the child through a three-fold mental process. (1) *Perception*.—The child perceives with his eyes his seniors, viz., the employer and the employee and also the object cow fetched by the employee, and with his ears he perceives the word "cow." (2) *Inference*.—From the employee's act of fetching the cow on hearing the word cow, the child infers that the employee has *understood* the word "cow" to be the signifiant of the object cow. (3) *Apparent inconsistency*.—The child finds the act of fetching the cow, in this instance, to be inexplicable except on the ground of a relation existing between the word "cow"

¹ A manuscript work from Nuddea, the use of which the writer of this paper owes to the courtesy of the eminent Indian scholar in Logic, Mahāmahopādhyāya Kāmākhyā Nāth Bhattachārya of Nuddea.

and the object cow. (*Śloka-vārtika*, Sūtra 5, section *Sambandhākshepa*, verses 140-143.)

Several objections, however, have been raised, in various works on Indian Philosophy, against the conception of meaning as a relation. The objectors maintain that no relation, such as that of the signifiant and the object signified, exists between the word and the object denoted.

Objections to the
conception of meaning
as a relation.

(1) Thus in the brilliant Jain work the *Prameya-kamala-mārtanda* (p. 124) of Prabhācandra, the objector asserts that words do not denote objects, and are not related to objects. For words do not co-exist with objects; words exist even in the absence of objects. Now if A exists or can exist even in the absence of B, A cannot be said to be necessarily related to B. And it is a matter of common experience that words often exist even before the creation, or after the destruction, of objects. Words therefore have no relation with objects, and do not signify objects said to be denoted by them.

It is similarly objected in the *Vaiśeṣika Sūtra*, 7.2.17, that no relation between an existing and a non-existing object is possible. Thus when we speak of objects not existing in the present, but existing in the past or to exist in the future, our words used in the present can have no relation with objects not existing in the present. For example, in the case of such expressions as "The jar is not in the house," "the garment was here but is now lost," "the garment will be prepared," the words "jar" and "garment" used and existing in the present can have no relation with the objects jar and garment which are spoken of as not existing in the present.

(2) The word must always remain an abstract idea (*Prameyakamalamārtanda*, p. 128). For one word, say the "cow" cannot signify the particular attributes of innumerable individual cows. But being unable to do so, it cannot be applicable to all cows. Nor is it possible to invent innumerable names to signify these particular attributes of

individuals. The word cow, therefore, must always remain an abstract idea and cannot denote a real object in the real world. The word may give an image of the object claimed to be denoted by it; in this case the word and the image may be related to each other as cause and effect, and in this particular sense we may speak of a denotative relation between the word and the object denoted, but this is far from indicating that the word cow denotes a real object in the external world or is related to it.

(3) In order that there may be any relationship between the word and the object denoted, there must exist some contact between them. But this contact between them is impossible, for the word and the object denoted do not exist in the same place, just as the Vindhya and the Himālayas do not exist in the same place. (Kumārila's *Slokavārtika*, Sutra 5, section 11, Sambadhākshepa, stanzas 6-7.)

Similarly the objector in the Viśeshaka Sūtras maintains that neither of the two forms of relation, *viz.*, conjunction and inherence, can subsist between the word and the object denoted. This relation cannot be that of conjunction, because the word, according to the Nyāya-Vaiśeshaka system being an attribute, and the thing denoted often being a substance, the relation of conjunction cannot subsist between attribute and substance. For the only relation that is possible between attribute and substance is, according to this school, the relation of inherence. Moreover, the thing denoted by the word is often an attribute, but the word being also an attribute, the relation of conjunction between two attributes would be impossible (VII, 2.14). Further, the word is always inactive. It does not possess activity or movement. But conjunction is always based on the action or movement on behalf of at least one of the members of this relation. The relation of conjunction is therefore impossible in the case of words denoting in-active substances, *e.g.*, the word "ether." Ether is inactive, and so is the word "ether."

Thus the relation of conjunction cannot subsist between the word and the object denoted.

Moreover, continues the objector, we have no cognition of the relation of conjunction or inherence subsisting between the word and the meaning. In the case of such expressions as "a hatted gentleman," "a one-eyed man," we have a cognition of conjunction from the hat and of inherence from the "one eye" respectively. But we cannot similarly speak of the object "jar" as having the word "jar"; thus the expression "jar-worded jar" would be an absurdity. Hence neither the relation of conjunction nor of inherence is conceivable in the case in question.

(4) If words denote real objects, verbal cognition should be as distinct as sensuous perception (*Prameyakamalamārtaṇḍa*, pp. 128-130). But this is not so, for we do not perceive things so distinctly by the knowledge of words as by direct sensuous perception. Now if A is not apprehended by the cognition of B, A cannot be called an object cognised through B, *i.e.*, A cannot be denoted by B. For instance, the eye can reveal only the form, but not the smell of a flower. We can then say that the eye does not "denote" smell. Similarly, as the particular attributes of an object are not revealed by a word, the word, therefore, does not denote the object. As it is said, "The cognition from the word 'burning' is quite different from the actual burning sensation produced by contact with fire." The object burning is only one; it does not have two forms, the one denoted by the word, the other by the sensation. Its real signifiant, therefore, is only one, namely, sensation, and not the word. For if the word were also a similar signifiant, the utterance of the word "fire" should burn the mouth, the utterance of the word "razor" should cut the mouth, and the utterance of the word "honey" should sweeten the mouth (*Kumārila's Ślokavārtika*, *ibid*, stanza 8).

Refutation of the
above objections and
additional arguments
defending the rela-
tion.

In refutation of the above objections the following arguments have been advanced by those who

advocate the definition of meaning as a relation :—(1) It would be thoughtless to argue, says the author of the Jain work the *Prameyākalamārtanda* that, words exist even in the absence of the objects denoted. Words would be no longer words if they existed in the absence of the meaning denoted by them. Other things may exist in the absence of the objects related to them, but words cannot exist in the absence of meanings denoted by them. If C can exist in the absence of B, it does not necessarily follow that A also can exist in the absence of B. The smoke in the cow-herd's milkpot may be noticed in the absence of fire, but this deviation cannot be extended even to those conditions where there are real grounds for the necessary concomitance of smoke and fire as on the mountain. This undue, universal extension of deviations would give a death-blow to the whole conception of causality. For the Buddhist (by whom this objection has been raised) also admits that the effect when carefully examined does not deviate from the cause.¹ Similarly when the nature of the word is carefully examined, it would be evident that it would never deviate from the meaning, i.e., it must always denote some object. In cases where words seem to exist even in the absence of objects, they no longer deserve to be called words, but being some other entities, some other designation should be assigned to them.

Vācaspati Miśra's explanation, however, is more convincing. As regards the objection that words used in the present can have no relation with the objects not existing in the present, Vācaspati explains that a word denotes the universal including individuals. Now though the universal is constant and imperishable, yet, as it includes multitudes of individuals variously dispersed in time and space, it thereby becomes common to being and non-being, and can therefore be connected with "is" or "was" whenever the context requires. "Is" then means the universal's connection with

¹ Cf. the Jain work *Aṣṭasahasī*, p. 240.

object denoted. But the absence of this relationship of contact does not mean that there should not exist any relation whatsoever between the word and the object denoted. Thus we find a relationship between father and son, although contact is not a necessary element of this relationship. Similarly,

although it must be admitted that there is no relationship of contact between the

Vindhya and the Himalayas, yet, as they belong to the same earth, we cannot deny the fact of relationship between them (*Śloka-vārtika*, *ibid*, stanza 10).

Moreover, as Vātsyāyana while commenting on Nṛsīṅhasūtras, II. 1. 50-51, points out, there is a sense in which a relation between the word and the object denoted is inadmissible. This relation should not be taken in a productive (*prāpti-lakṣhaṇa*) sense, i.e., the cognition or utterance of the word

DOES NOT ACTUALLY PRODUCE BEFORE US the object denoted. For neither perception nor inference can prove the

productive character of this relation. As Vācaspati Miśra in his *Nyāyavārtikatātparyatikā* (p. 289) explains it, such productive relation can be *perceived* only between those objects which are cognised by one and the same organ of sense, as the relation between two fingers is evidently perceived as a relation of productive character, because both of them are actually and simultaneously perceived by the hand, the perceiving organ being common to both. But perception fails to cognise such relation between two objects which cannot be apprehended by one and the same organ, e.g., the relation between the wind and the tree is not of a productive character (*prāpti-lakṣhaṇa*) because the wind is perceived by touch and the tree is perceived by the eye, the perceiving agents in the two cases being different. Similarly such relation cannot be perceived in the case of the word and the object denoted, because they are perceived by different organs of sense, the word being perceived by the ear and the

object denoted being perceived by some other organ, say the eye, etc.

Nor should it be objected that although the productive character of the relation between the word and the object denoted may not be cognised by direct perception, it may be cognised by inference. For it would be preposterous to suppose that inference can prove the actual arrival of sweetmeats when the expression "the coming sweetmeats" is uttered. The relation between the word and the object denoted is therefore not of a productive character. There is no danger, then, that the utterance of the word fire should burn the mouth, because the relation between the word and object denoted is not of a productive character.

(4) Nor is there any force in the argument, says the author of the *Prameyacakalamārtanda* (*ibid*), that words do not denote real objects because we cannot distinctly cognise objects through them.

Verbal cognition
only less distinct than
perceptual cognition.

For although it is true that the various means of cognition vary in their capacity of distinctness, that some means of cognition give a more distinct impression than others, and that often by words we do not cognise objects so distinctly as by sensation, this gradation in the distinctness of perception cannot prove the unreality of the objects denoted by the less distinct cognitive agents. Many objects can be perceived both by touch and by sight, though some of them are cognised more distinctly by touch and others more distinctly by sight. Because a means of cognition is less distinct than the other, it cannot prove the unreality of the object revealed by it or its worthlessness as a cognitive agent. The object, therefore, may be one, and yet cognised through several means of cognition, varying according to the degree of their distinctness. Thus the word "burning" does not give such a distinct cognition of the fact of burning as the sensation of burning does, yet the comparatively indistinct cognition obtained through the word, cannot

prove that the fact of burning is not denoted by the word "burning."

(5) In reply to the objection, just mentioned above, that with the assumption of the relationship between the word and the object denoted, the utterance of the word "fire" should burn the mouth,

Nāgeśa's theory of the subjectivity of meaning.

the great grammarian Nāgeśabhaṭṭa, in his *Mañjūśā* maintains the subjectivity of both the word and the meaning. As he says (p. 45), "in reality the meaning is only subjective, i.e., in the mind only, and the word is also subjective." The meaning exists only in the mind, it has no existence outside the mind (p. 240). For if the subjectivity of meaning be not accepted, if, for example, the word "jar" denote something existing outside the mind, then the word "is" in the judgment "the jar is" would be superfluous, for by hypothesis the word "jar" means that the object jar exists in the external world. Similarly the judgment "the jar is not" would be self-contradictory, as there is no subject of which existence cannot be predicated, and as by hypothesis the word "jar" means that the object jar does exist in the external world. In the same way, the judgment, "a rabbit's horn does not exist," would be irrelevant and self-contradictory, for by hypothesis the word "rabbit's horn" denotes the objective existence of the rabbit's horn in the external world. Similarly the judgment, "the sprout is coming into being," would be impossible, for the objectivity of meaning should imply that the sprout already exists in the external world.

In the same way Patanjali in his *Mahābhāṣya* while commenting on Pāṇini III. 1.26, discusses the validity of the historical present. How can we now use such expressions as "Krishna kills Kansa," "Rama kills Bali," when Kansa and Bali were killed ages ago? Because we see the past presented to us like a living present by actors, painters, and reciters of history. These masters of description describe the

exploits of those dead heroes, who although dead, are *subjectively present in their minds*.

So Kaiyata while commenting on Pāṇini, V. 2.94 points out that a word cannot be used unless the object denoted is cognised by the mind. Thus in the judgments, "the tree is," "the tree is not," "the tree is coming into being," the object denoted is subjectively related respectively to being, non-being, and becoming. Only by this subjectivity of meaning can we reconcile these various aspects of existence with the fact that, as Patanjala put it, no object denoted deviates from existence, that is to say, there is no subject of which existence cannot be predicated.¹ Similarly Durga, while commenting on the *Nirukta* (I. 1.2, pp. 47-48, Bhadakamakar's Edition) speaks of meaning as "existing only in the mind of man. For the word has a relation only to this subjective meaning."

Thus the meaning being subjective, and the relation between the word and the object denoted being also subjective, it would be irrelevant to assume that the utterance of the word "fire" should burn the mouth.

The subjectivity
of meaning : a
criticism.

It will appear from the above discussion that Nāgeśa and some of his predecessors have tried to establish the subjectivity of meaning—and this with one object in view, namely, to keep intact the relation between the word and the object denoted. But a review of the preceding discussion will show that the absolute subjectivity of meaning is not only untenable, but its assumption would defeat the very purpose for which the theory has been advanced by these authors. With the assumption of the absolute subjectivity of meaning, as already indicated above, the word cow must

¹ As Bradley explains it (Logic, p. 115), every judgment, positive or negative, is in the end existential. Thus in the judgment "a stone does not feel or see," the negative predicated of the stone depends upon the fact that the stone is a stone, and not simply because it is nothing else.

Cf. also Royce, *The World and the Individual*, Vol. I. p. 227.

always remain an abstract idea, and cannot denote a real object in the real world. This assumption would thus run counter to the essential criterion of meaning, already established above, *viz.*, *practicality*, and would thus establish the unreality of the relation between the word and the object denoted. The fact has been already indicated above (in the passage quoted from the Jain work the *Prameyakamalamārtaṇḍa*) that an object can be cognised through several means of cognition, varying according to the degree of their distinctness. It is therefore not necessary to assume the subjectivity of meaning in order to ward off the conclusion that the utterance of the word "fire" should burn the mouth. For the cognition of fire is not necessarily equivalent to the sensation of burning. The word "fire" gives us an *idea*¹ of fire, not the sensation of burning. If articulate speech could produce sensations as distinct as those produced by external objects, the absolute subjectivity of meaning would have been an established fact. But experience shows that it is not so. Language certainly does not give us such a distinct cognition of the objective² world as organs of sense do, but this fact does not detract from its being a cognitive agent. As Nāgeśa himself states in another passage (p. 459), when we see a mango, our eyes give us, in a general way, a

¹ In this connection cf. H. Paul, who in his "*Prinzipien der Sprachgeschichte* (1920, pp. 14-16) points out that in the case of language we find a two-fold relationship between words and ideas. First, a direct relation of the idea with the phonetic element of speech. Secondly, the indirect relation presented by the association of ideas. Ideas of the first kind form a connecting link between the phonetic element of speech and indirect association of ideas. But it is only in the individualistic development of language that the second type of ideas persist. With the growth of social intercourse, indirect associations are transformed into direct associations.

This analysis of relationship, however, is too abstract and too speculative, as if a state of language could be conceivable without social intercourse for any considerable length of time. It would, therefore, be more consistent with facts to say that words give us ideas by direct association.

² As Hermann points out (*vide* his *Die Sprachwissenschaft nach ihrem Zusammenhange mit Logik*, etc., pp. 97-98), it is music, as contrasted with language, that produces direct sensations in the mind of the hearer and is therefore subjective in character. Language, however, is "as image or expression of external objectivity."

cognition of its taste. But the taste in particular can be cognised only through the tongue. Just as Nāgeśa holds the eye to be a cognitive agent, however weak, of the taste of the mango, so the utterance of the word "fire" can give us a cognition of fire without creating in us the sensation of burning. It is enough for our purpose to say that the cognition of fire from the word "fire" is less distinct than the cognition of fire from the burning sensation. As the word "fire" can give us a cognition of fire without the sensation of burning, it is not necessary, nay, it would be contrary to experience, to assume the subjectivity of meaning. Hence without the need of going so far as to assume the subjectivity of meaning, we can avert the danger of burning our mouths by the utterance of the word "fire," the word being only an indistinct cognitive agent. For Nāgeśa himself the assumption of the absolute subjectivity of meaning would lead to very undesirable consequences, it would establish the unreality of meaning. That the unreality of meaning is a necessary conclusion from the assumption of its subjectivity is confirmed by the inevitable position ultimately taken by Nāgeśa himself, who, in another passage (Manjūshā, p. 409) remarks that both the word and the meaning are unreal.

As regards the superfluity or contradiction involved in connecting "is" or "is not" with a word, *cf.* Vācaspati's convincing explanation, already quoted above (p. 9) that a word denotes the universal including individuals—"is" denoting the universal's connection with the individual in the present time, "is not" denoting the universal's connection with the individual in the past or the future.

The above discussion, in which the absolute subjectivity of meaning as maintained by Nāgeśa has been criticised, should not lead us to neglect or under-rate the subjective aspect of meaning.

Importance of the
subjective aspect of
meaning.

For while it is invalid to assume that meaning exists only in the mind, it would be even preposterous to assume that

meaning does not exist in the mind. As we have seen above, meaning is essentially a relation, and all relation is an abstraction¹ and has thus a subjective aspect. But the cognition of this relation must have an objective reference.² Thus according to Gadādhara, the formidable exponent of the Navya Nyāya, cognition can operate only with reference to an object. But objectivity, he adds, is not a mere mental phenomenon, it does not reside only in the mind, it is not merely cognitive³ (*Vishayatāvāda*, pp. 3-4). For if objectivity were nothing apart from cognition, there might arise a simultaneous cognition of the jar and a cognition of the absence of the cognition of the jar, for by hypothesis, objectivity being mere cognition, it is not bound to any particular object outside the cognition, it may therefore reside in the jar or in the negation of the cognition of the jar. There would thus arise a confusion of two concepts; on the one hand, the objectivity of the concept jar, which, by hypothesis, is mere cognition and on the other, the objectivity of the negation of that concept, which is also mere cognition. Similarly if objectivity were nothing apart from cognition, there should arise a simultaneous cognition of the jar and of time, as time, according to Indian Logic, is universally associated with everything. There would thus arise a confusion of two concepts; there being on the one hand the objectivity of the concept jar, which by hypothesis, is mere negation, and the objectivity of time relation, which is also mere cognition. The

¹ Cf. Bradley, *Logic*, pp. 4-6.

² Compare Lotze, *Logic*, Vol. I (pp. 14-20), who points out that the cognition of "blue" as a meaning is different from "blue" as a mere impression. In the case of "blue" as a meaning, the impression blue has been objectified by a preliminary activity of thought. This *objectification* is embodied in language (pp. 16-20), and has three specific forms—nouns, adjectives and verbs. Cf. also Bosanquet, *Logic*, pp. 18-19. "The act of naming has been well called the act of objectification."

³ Objectivity according to Gadādhara is a separate category, it equally differs from the object as well as from cognition (*vide his Vishayatāvāda*, pp. 3-4).

objective aspect of meaning should therefore be not identified with cognition.

In this connection the views of Bhartṛihari, who in his *Vākyapadiya* has so vigorously held and expounded the subjectivity of meaning, and whom Nāgeśa so often quotes and follows—are more in keeping with psychological facts. According to Bhartṛihari, though meaning is, directly speak-

The objective aspect of meaning.

ing, a cognition, the object denoted may or may not exist in the mind. As his commentator Helārāja (*Vākyapadiya*, III. 3.33)

explains it, when the object denoted by the word exists outside the mind, we have first an indeterminate perception of this object, then an idea (as meaning) of the object, then a desire or movement to express that idea, and then the utterance of the word according to our cognition. Thus, continues Helārāja it is the *external object* which in this case is indirectly denoted by the word. But the object denoted may sometimes be confined only to the mind, and related to the word only through this mental cognition.

We find a reconciliation of both the subjectivity and objectivity of meaning in the Nyāya school.

Reconciliation between the subjective and objective aspects of meaning.

As Gadādhara in his *Vyutpattivāda* (Benares, with a commentary by Krishnambhaṭṭi, p. 29) points out, verbal cognition is determined by the cognition of the object both subjectively as well as objectively. For if meaning be absolutely objective, and have no reference to a particular knowing subject, then, when one person comprehends the meaning of a word, other persons would also have the same verbal cognition, for the comprehension of the meaning is not bound to any particular knowing subject.¹ If, however, meaning be absolutely

¹ There is an apparent inconsistency in Gadādhara's treatment of the subject, for while he distinctly points out the duality of meaning, he in the end (p. 34) argues on the basis of subjectivity. But there he tries to show that the absurdity of a verbal cognition "jar, jar" can be proved only by assuming the subjectivity of meaning. Cf. Dharmadatta

subjective, then, as the manuscript work *Dharmitāvacchedakā-tāpratyāsatti*¹ ("objective cognition"), p. 24, shows,—then as cognition is an inherent quality of the knowing self, there is no reason why a word should denote only a particular object, for cognition of several other objects also inherently exists in the knowing subject. The particularity of the denotation therefore necessitates an objective reference.

The reconciliation between the subjective and the objective aspects of meaning is further amplified in the Jain work *Aṣṭasāhasrī* which (p. 251) disputes the view that the word "soul" denotes only the object soul. It points out that the word, cognition, and the object are three distinct categories. Thus when we speak of "*Jīva*" "a living being," the word "*Jīva*" refers to an object in the phrase "a *Jīva* should not be killed"; but it refers to a cognition in the phrase "*Jīva* is cognised (as an idea)," while it refers to a mere word in the phrase "He said '*Jīva*.'" The word, cognition, and the object therefore refer to three distinct categories and hence we cannot reduce meaning exclusively to subjectivity or objectivity.

II.—MEANING AS A NEGATION.

While the Hindu and Jain writers on philosophy and Semantics define meaning in terms of a relation, Buddhist philosophy defines meaning as negation. While there is a consensus of opinion among the majority of Indian schools in favour of the reality of the relation between the word and the object

Definition of meaning as a Negation.

Suri's remarks on the passage in his edition of Gadādhara's *Vyutpattivāda* (Nirnaya Sagar Press, p. 58), where he shows that the duality (both the subjectivity and objectivity) of meaning is the traditional Nyāya theory and that Gadādhara has only for argument's sake, neglected in this part of the discussion the objective side of meaning.

¹ Manuscript No. 1269 in the Raghunath Temple Library, Jammu. There is unfortunately no mention of the author's name in the MS. but the nature of the paper seems to indicate that the MS. must be at least more than a century old.

denoted, the Buddhist school rejects this view and holds on the contrary that no relation such as that of the signifiant and the thing signified, exists between the word and the object denoted. The word "cow" does not denote the object cow. It denotes, in the first instance, only the negation "*Apoha*" of objects which are not the cow, *e.g.*, the horse, etc. It is only subsequently by inference through this exclusion, that the denotation of the word cow being the object cow is arrived at.

The following are said to be the reasons for this negative essence of meaning :—

Firstly, it is only by the negation of others that we can conceive of a similarity or community between extremely different objects, just as we can conceive of a community or similarity between different objects such as the cow, the horse, and the elephant, only by cognizing them as not-camel. So the signification of the word cow can represent different kinds of cow, the red cow, the black cow, the brown cow, etc., only by the negation of the non-cow. Otherwise how can there be a similarity between so very different objects as the red and the black? As it is said, "The red is not the black, but the negation of other than red and black is common to both." The word cow, therefore, does not denote a positive object "cow," but signifies only the negation of the non-cow. (The *Nyāyaratnākara* of Pārthasārathi Miśra, *Ślokavārtika*, p. 566).

Secondly, in the case of every word we cognize an element which is common both to existence and non-existence. This common element leads us to infer the negative essence of meaning which has been thus syllogistically established :—If A is common to both being and non-being, then the nature of A must consist in the negation of the non-A. *Example* : formlessness, which is common both to the positive entity, *viz.*, consciousness, and to a non-Being, *viz.*, rabbit's horn. So the words the jar, the cloth, etc., when they are used in discourse

must refer to the negation of others. For a word like the cow, if its denotation were exclusively positive, could neither be connected with the predicate "is not," as it would be a contradiction ; nor with the predicate "is," as it would be superfluous. But the cognition of this element which is common to both being and non-being cannot arise without a cause or a generally inclusive principle. As regards the cause, it cannot lie in objects other than the cow, for causality cannot be attributed to other objects if affirmation or identity can be predicated of the cow. Hence, as the cognition of this common element must be attributed to some cause, and as that cause is not positively cognised, it must lie in the negation of others. *Nyāyavārtikatātparyatikā*, p. 340).¹

Thirdly, the psychological explanation of the negative essence of meaning has been thus given in the *Nyāyamanjari* of Jayanta Bhaṭṭa (pp. 303, 306-308). According to the Buddhist all perception is indeterminant. Objects are directly perceived by the mind, independently of words and ideas. The latter do not form an integral part of perception and so do not represent or denote objects. For when once an object has revealed itself in its entirety to the mind, what portion of that object is left for words and ideas to cognise ? The latter would be superfluous for the cognition of the object. Hence we do not cognise objects by means of words and so words do not denote objects.

What, then, is the scope of words and ideas ? It is only negative and exclusive. They serve the only purpose of excluding other objects erroneously recalled to mind. Just as the judgment "this is not silver" serves only to dispel the illusion of silver in the oyster-shell, so when we have already perceived the object cow indeterminately and in its entirety, words only exclude any possible illusion of the non-cow ; they do not denote the object cow as such, for that has been

¹ Cf. Ratnakirti's *Apohasiddhi*, pp. 8-9.

already cognised beforehand. If it be objected that words serve a positive purpose, *viz.*, of selecting or referring only to a single attribute of the object which is obscured by many attributes, and so the words denote a positive object, the Buddhist replies that as the object is perceived in its entirety simultaneously with the cognition of its attributes,—for the object is not perceived apart from its attributes,—names selecting or referring to a single attribute are only superfluous.

The characteristic feature of words is a mere ideal appearance which colours them. Now the scope of perception is the object differentiated from others. But it has already been shown above that the object is not denoted by the word. The word, therefore, being unable to tackle the differentiated object, receives, like a mirror, a reflection of that differentiated object, and it is thus that its scope is said to be negation. Nor should it be objected that as we cannot conceive of the negated object apart from negation, the differentiated object and negation are identical and so if words denote the negation, they should also denote the differentiated object at the same time. For the negation which is the scope of words is not real; it is merely ideal, as it has been already shown above that objective reality is the scope of perception and not of words.

Fourthly, the meaning of word is directly experienced as an exclusion. For if this exclusion were not cognised in experience, a man ordered to tie a cow might tie a horse, as he does not cognise the cow as different from the horse. But if he does cognise this difference, there is no reason why he should not cognise the negation of the non-cow. (*Nyāyavārtikatātparyāṭikā*, p. 340).¹

Fifthly, the reality of the denotative relation is further rejected in the light of the general Buddhistic theory of momentary existence, words do not denote real or positive

¹ Cf. *Apohasiddhi*, p. 4.

objects, because the so-called objective world is either a mere figment of the brain or is perishing every moment. Even the so-called permanent objects as the Himalayas cannot be denoted by the word "Himālaya," for in the very moment of attributing the name "Himālaya" to the object the group of atoms composing the Himalayas have already perished. The word "Himālaya," therefore, cannot denote any positive object (*Prameyakamalamārtanda*, p. 128, *et seq.*).

Thus the famous opponents of Buddhism as Kumārila, Vācaspatimiśra, etc., represent the Buddhistic definition of meaning to be absolute negation of other objects. As no ancient Buddhistic work directly handling this absolutely negative aspect of Semantics is now available, it is not quite certain whether this exclusively,¹ negative view of meaning as

¹ In recent times a similar theory has been advanced by Saussure in his *Cours de Linguistique Générale*, pp. 167-175. In language, he says, there is nothing but differences. And more, a difference generally presupposes some positive terms upon which it is based, but in language there are only differences *without positive terms*. When we say that meanings correspond to concepts, it is understood that the latter are purely differential, defined not positively by their content, but negatively by their relations with other terms of the system. Their characteristic is of *being that which others are not*. For the phonetic or conceptual element of a linguistic sign is not so much determined by its own content as by other terms which surround or resemble it. Thus the meaning of a word can be modified, solely by the fact that some other neighbouring term shall have undergone a modification. For example, in one and the same language, all the words which express neighbouring ideas are mutually limited; Synonyms like the French verbs "redouter" "Craindre" "avoir peur" (denoting various shades of "to fear") have particular meanings only by their opposition. If "redouter" had not existed, the whole of its content would have gone to its concurrents. What is true of vocabulary, is also applicable to grammatical entities. Thus it would be incorrect to attribute the same meaning to the plural number in Sanskrit as in French, for in addition to the plural number, Sanskrit has also the dual, and as Sanskrit cannot employ the plural number in all the cases where it would be the rule in French, the meaning of a grammatical form like the plural is determined by that which is outside and around it.

After thus establishing the negative essence of meaning, Saussure brings a curious provisional clause—that the sign and the thing signified are negative only when taken separately, but their combination is a positive fact.

But a little reflection will show that this theory is too abstract and too one-sided, and is at the same time inconsistent with Saussure's conception of meaning already indicated (*vide* foot-note on page 3) above. For according to Saussure the linguistic entity exists only by the association of the signifiant and the object signified. We cannot

recorded in the above paragraphs was exactly the original Buddhistic view or represents only a travesty of that view by the opponents of Buddhism.

We find, however, the treatment of a qualified negation as the essence of meaning in a comparatively modern Buddhistic work, the *Apoḥasiddhi* of Ratnakīrti, who, according to Mr. Haraprasāda Sastri, was a younger contemporary of Vācaspati Miśra. According to this Buddhist Philosopher, words denote neither a mere affirmation, nor mere negation of other things. The essence of meaning consists in affirmation qualified by the negation of other objects. The author disputes the view of those who deduce, as a consequence, the negation of the non-cow from the positive meaning of the word cow. He also controverts the view of those Nihilists who deduce positive meaning as a consequence of the negation of other objects. He holds that the essence of meaning consists in the *simultaneous* cognition of affirmation and negation. For in the very first comprehension of meaning there is no sequence in the cognition of affirmation and negation. No one in this case comprehends affirmation first and negation as a consequence afterwards, no one on the other hand cognises negation first and affirmation as a consequence afterwards. Just as when we use the word “*indiraṅga*” (blue lotus) as a synonym for “*nīlotpala*” (blue lotus) and comprehend its meaning being the blue

sider them apart from each other. Moreover, modification of the meaning of a term cannot prove that its essence is negative. Thus according to the Nyāya theory, the denotation (*Sakti*) of a word may be modified into implication (*lakṣhanā*) under certain conditions but this fact does not detract from the word having a positive denotation of its own. Again, the meaning of a word, say of the English word “chance” may be modified by what the synonym “accident” does not signify, but this negative force of the synonym “accident” does not debar the residual element of the meaning of the word “chance” from giving us a positive impression. For, as Bosanquet rightly points out (*Logic*, Vol. I, p. 19), every word must fundamentally have a positive content—a fact which Saussure’s assertion has not disproved. Similarly, the grammatical sense of the plural in Sanskrit may be modified by the exclusion of what is signified by the dual, but the resultant of the plural signification thus obtained cannot but have a positive content,

lotus,—just as at that very moment the simultaneous cognition of “blue” is unavoidable, so when the word cow is used to denote the negation of the non-cow, the simultaneous cognition of the cow as qualified by the cognition of the negation of the non-cow is unavoidable. The exclusive aspect of negation must necessarily accompany the cognition of the denoted object, otherwise if at the moment of comprehending the meaning of a word, the negation of other objects be not cognised, how could a definite activity in a definite direction to the exclusion of other directions, be possible? With the non-cognition of this exclusive aspect of meaning, a man ordered to tie a cow might tie even a horse, etc.

In this connection, says the author, Vācaspati’s objections are groundless, for in defence of an exclusively positive essence of meaning Vācaspati urges that as the positive class cow includes the individual cows and as these individuals are within the range of ideas and words, the man ordered to tie a cow will not tie a horse, he will understand that the word cow positively denotes only individuals belonging to the class cow and will consequently conclude from this positive meaning that ‘individuals’ not belonging to the class cow are not meant (*Nyāyavārtikatātparyatikā*, page 341). This defence of an exclusively positive essence of meaning is groundless, for if the additional conception of the class cow means that the individual cows are to be excluded from those which do not belong to the class cow, there is no reason why this exclusive negation should not be extended to words and ideas representing these individual cows. If it be objected that it is by the power of the class conception that the individual cows are excluded from others, even then it is the cognition of negation which remains unavoidable in both the cases, whether we attribute this negation to the power of the class conception or to the power of causes latent in the word itself.

Thus every word in the sentence “This road leads to Śrughna” signifies a negation. Here the word “this”

excludes other roads which do not serve the purpose in view. The word "road" is used to exclude a companion or a messenger. The word "leads to" negates any discontinuation of the way as in forest paths. "Śrughna" excludes undesired places which may be opposed to Śrughna. Thus we can easily find negation here in every word. The word cow therefore denotes something positive qualified by the negation of the non-cow. By the word positive is meant the external object determinate but excluded from other objects, and also the mental image of the object subjectively appearing to the mind. Now affirmation and negation cannot be predicated of a merely subjective image, for a merely subjective image is never determinate. On the other hand, affirmation and negation cannot be predicated of a really external object, for such an object cannot be cognised as such in verbal cognition. Hence affirmation and negation subjectively refer to an *external* object. If this reference to an external object were absent, all practical activity would be impossible (*Apohasiddhi*, pp. 6, 16).

The author thus syllogistically establishes this theory of qualified negation;—every signifiant refers to something positively determinate and at the same time excluded from other objects. For instance, in the judgment "There is water in this well" the water is spoken of as something positively determinate but at the same time excluded from places other than the well. And the word cow is also an expression of this kind; therefore it denotes something positive qualified by the negation of the non-cow. Nor should it be objected that the reason given is not proved. For it has been already shown above that although a real relation between the word and meaning does not exist, something positively determinate must be cognised by all practical people, otherwise all practical activity would be impossible (*Apohasiddhi*, p. 18).

Objections to the
definition of meaning
as a negation.

The conception of meaning as a negation has been forcibly disputed in several works on Hindu and Jain Philosophy. The following are the main objections to this theory :—

Similarity uncogni-
sable without a posi-
tive entity.

(1) Cognition of community or similarity between different objects is impossible without the conception of a positive entity, *Class*, which the Buddhist does not accept. Thus according to the Buddhist the community or similarity between the black cow and the red cow consists in the fact that both the expressions negative the non-cow. But a short reflection will show that without the conception of a positive entity, *Class*, the expression “black cow” will be only a contradiction. For what is the meaning of the “Black cow” according to the Buddhist? On the one hand it means the negation of the non-cow, while on the other hand it means the negation of the non-black, say of red cows. Now it is apparent that the first aspect of the negation, *viz.*, the negation of the non-cow, is equivalent to *all* kinds of cow, whether non-black or black, while at the same time the expression excludes the non-black cows. The expression “black cow” would therefore signify both the black and the non-black cows at the same time, which is evidently a contradiction. With the conception of a positive entity, *Class*, however, we cognise a positive form “cow” which is common to all the black and non-black cows (*Slokavārtika*, p. 567).

The logical contra-
diction removed by
the conception of the
universal.

(2) As regards the logical contradiction involved in connecting “is” or “is not” with a word Vācaspati explains that a word denotes the universal including individuals. Now though the universal is constant and imperishable, yet, as it includes multitudes of individuals variously dispersed in time and space, it thereby becomes common to being and non-being, and can therefore be connected with “is” or “is not” whenever the context requires. “Is” then

means the universal's connection with the individual in the present time, while "is not" denotes the universal's connection with the individual in the past or the future. (*Nyāya-vārtikatātparyatīkā*, p. 341, also cf. pp. 10, 17 above).

Mīmāṃsakas of Kumarila's School explain it on the ground that as reality has aspects or divisions, a tree is cognised from the word "tree," although we may not be able to determine its existence or non-existence from the mere word. When the word "tree" is further connected with either of the words "is" or "is not," it is then that we can definitely determine which of its aspects, existence or non-existence, is in view. (*Apohasiddhi*, p. 9, also cf. page 10 above).

(3) What is this imperial decree, asks the author of the *Nyāyamanjarī*, which requires the object to be cognised only by the first perception, and not subsequently by other means of cognition—words and ideas (page 309)? And even if perception were the only means of cognition, what is the proof of the view that the object perceived is cognised only as differentiated from others and is not apprehended as a positive object at the same time? If it be objected that the object cognised by indeterminate perception refers only to differentiating attributes, then how does the cognition of community or generality arise at the same time? Nor should it be objected that this community is a mere word, for a positive object is often cognised as such although one may be ignorant of its name; when a Southerner, for instance, who has never seen, and never heard the name, of a camel before, happens to come across a line of camels, he does perceive the camel to be a positive object.

Now objects are thus positively and negatively perceived in the very first instance, although we may be ignorant of their names. Again, when we perceive four fingers together with a single glance,

Affirmation and negation the aspects of reality.

Psychological weakness of the negative theory.

Co-ordination of affirmation and negation.

we cognize them, not only individually differentiated from one another, but also positively knit together by one bond of community, *viz.*, the peculiar form common to all fingers. Moreover when we see a red cow for the first time, and a black cow on another occasion, the sight of the black cow at once recalls to us the form of the red cow previously perceived. If this positive community be not the content of our cognition, what could be the significance of the recollection of another object, the red cow? Again, even when we see a different individual of the same class "cow" on a subsequent occasion, we say, "this is that very cow," although it individually differs from the cows previously perceived. Hence this recognition refers to positive identity in individual difference directly perceived. Thus even in the case of indeterminate perception the object is perceived not only differentiated from others, but also cognized with a positive form common to other objects of the same class.

No difference without identity and no identity without difference.

Even on first perception identity and difference are perceived. Wise men, therefore, accept a duality in all Reality (identity and difference); those who maintain only a single aspect (either only identity or only difference) are childish fools. (*Nyāyamanjarī*, p. 311.)

Nor are there any grounds for the Buddhistic argument that the object is perceived in its entirety simultaneously with the cognition of its attributes. For an object has often very different attributes and every distinct attribute of the object is perceived by a distinct cognition. The object, therefore, having so very diverse attributes and powers distinctly perceived on different occasions, how can the object be cognised simultaneously and coincidentally with its attributes? Moreover, why should the superfluity of words and ideas, after the object has been perceived in its entirety, prove that they do not signify any reality, that they do not denote any real object? A block of ice is certainly

superfluous and unnecessary for a man who has no thirst, but this superfluity of the ice does not prove it to be silver and so does not show that it is a mere illusion. Words therefore denote real, positive objects. Nor are there any grounds for the Buddhistic assertion that the characteristic feature of words is a mere ideal appearance which colours them. For mere illusions cannot colour cognition, whether verbal or perceptual. It is objects which determine (lit. colour) the forms of consciousness. The meaning of a word is therefore, not a mere illusion, but is an objective reality. (*Nyāyanaman-jari*, pp. 315-316.)

(4) It is contrary to all experience to maintain that the word "cow" does not denote any positive object, and that it expresses only the negation of the opposite, "the horse, etc." On the other hand it is a matter of common experience that the word "cow" denotes a positive object with a particular form and features like the dewlap, etc. Negation of a thing positively unknown is impossible. How is the conception of the "non-cow" possible, unless we have a positive idea of the word "cow"? Moreover, if the word "cow" expresses only the negation of the non-cow, whence can the positive idea of a cow with a particular form, the dewlap, etc., arise? Will it not be necessary then to search for another word to express the positive meaning of the word "cow"? (*Prameyakamalamārtanda*, *ibid.*)

Even in the case of previous non-existence, it is the universal, positive Reality, which has not yet manifested itself. Even such apparently negative expressions as "Non-Brahman" signify a positive entity, *viz.*, the Kshatriya, the Vaisya, and the Sudra, while the substrate of "Non-Brahman," *viz.*, manhood, is also a positive entity. For in the expression "Non-Brahman" it is the positive entity "manhood" which is excluded from Brahmanhood (*Slokavārtika*, p. 569).

(5) Moreover, it is necessary to determine the nature of the negation which is claimed to be expressed by the word "cow," says the author of the *Prameyajakamalamārtanda*. The negation may be specific negation, or bare negation. Now, if the negation is merely specific negation, it means that the Buddhist has indirectly accepted his opponent's view. For what can this specific negation possibly mean? It should mean something that generally excludes all that does not distinctly belong to the cow as a class. It means then a

Specific negation implies acceptance of affirmation. *generality* characterized by the negation of that which is not the cow. But, says the

Jain philosopher, this is only acceptance, in other words, of his view. For, while according to the Buddhist the word cow denotes *something general* negating the "non-cow," according to the Jain the word cow denotes something general in a positive sense, while the negative implications of the word are also indirectly included in the positive sense. The acceptance of this "*generality*" by the Buddhist as the negation of the non-cow is only a difference in words from the generality "class-cow" in the positive sense held by the Jain.

But if the negation of the "non-cow" means bare negation, then the word "cow" would be a nonsensical word. Nothing would be expressed by it. Bare negation would mean

Bare negation would make all words nonsensical.

the negation of all reality and of all existence. It would also mean the negation of all difference. If this absolutely negative view of meaning be accepted, every word would mean one, uniform, absolute non-existence, and so there will be no difference¹ between the meanings of various words.

(6) With the assumption of this theory of negation, the conception of substance and attribute will be impossible, for if

¹ Cf. Caird's *Hegel* (p. 135): "An *absolute* distinction by its very nature would be self-contradictory....., it would annihilate the distinction itself.

nothing real is denoted by words, the conception of "blue lotus" as bearing the relation of attribute and substance

"Blue" in the expression "blue lotus" is a positive attribute.

respectively will be impossible. Now the Buddhist philosopher Dinnāga (as quoted in the *Prameyacakalamārtanda*, Chapter IV), in order to maintain intact the relation of substance and attribute, says that the expression "blue lotus" signifies objects characterised by the negation of objects other than "blue lotus" that is to say, the expression signifies the negation of the relation "non-blue; non-lotus." But this is irrelevant for how can A be said to be the attribute of B unless there is a real and positive relation between A and B? And it is evident that we cannot conceive of a real relation between blue and lotus merely through the negation of the negatives non-blue and non-lotus. For the relation between blue and lotus in "blue lotus" is a positive reality bearing the relation of the dependent and the substrate respectively, and this positively real relation is inconceivable through empty negation. Moreover, the attribute, to deserve the name, must be a real, positive thing, imparting its reality to the substance, and colouring the substance with its own nature. Thus the term blue in "blue lotus" does not give the idea of red in the lotus, it positively colours, as it were, the substance lotus with its quality "blue." The blue, therefore, in order to be the attribute of the substance lotus, must denote a real, positive object.

Again, as Kumārila points out (*Śloka-vārtika*, pp. 596, 597), if in the expression "blue lotus" the words blue and lotus do not denote positive entities, then the co-existence of blue and lotus, which is implied by the expression "blue lotus," will be impossible. For the word blue according to the Buddhist means the negation of the non-blue and the word lotus means negation of the non-lotus. Now the negation of the non-blue does not in any way necessitate the negation of the non-lotus. A co-existence between blue and lotus would

therefore be impossible in this case. But if blue and lotus denote positive entities, *viz.* quality and class respectively, then in the expression "Blue lotus" we can find an identification of the quality blue and the class lotus in the individual lotus in question. But, as Pārthasārathimiśra remarks on the same passage, a negative entity cannot be the contained, and so cannot play the part of a quality.

Similarly, if the Buddhistic view be accepted, the co-existence of "existing" and "jar" in the expression "the existing jar" will be impossible. For, as Pārthasārathimiśra explains it (*Śloka-vārtika*, *ibid*), if the word "existing" does not give any meaning independently, but denotes the negation of non-existing then as the negation of non-existing cannot co-exist with (lit. pervade) the negation of the non-jar, a co-existence between "existing" and "jar" in the expression before us would be impossible. If, however, the word "existing" denotes a positive entity, then it can pervade the whole of the positive entity, the "jar."

(7) As Kumārila shows (*ibid*) with the acceptance of the Buddhistic view, several grammatical forms will be inexplicable. Thus the present imperfect, "he is cooking" and the past indefinite tense "he cooked" will be inexplicable, as negation means a definitely accomplished fact. Nor will the various meanings of the imperative, as command or injunction, be explicable, for the negation of other-than-bring cannot give us an idea of the command involved in the expression "bring a jar." Nor can negation in the case of conjunctions like "and" or adverbs like "thus" give us any sense. Nor is there any scope for such grammatical relations as gender, number, etc., if words do not denote any definite, positive and concrete objects.

Moreover, as the author of the *Nyāyamanjari* (p. 305) acutely remarks, if the meaning of the word cow

With the negative essence of meaning, grammatical forms will be inexplicable.

consists in the negation of the non-cow, what will be the meaning of the word "negation" according to this definition of meaning? The meaning of the word "negation" will then be the negation of the non-negation. Now what is non-negation and what do we mean by the negation of non-negation? How can we say that non-negation does not exist? And even if non-negation be non-existing, what remains behind? All this becomes nonsense. Moreover, what will be the meaning of the word "no" according to this definition? It will be that which is not "non-no." It will be all nonsense.¹

Conclusion.

We thus find two main lines of Philosophical opinion on the nature of meaning, the one emphasising its relative, and the other emphasising its negative aspect. In judging the comparative strength and weakness of these two conceptions of meaning, it must be admitted at the outset that the claims of negation as the essence of meaning are too strong to be overlooked. The act of Naming is an act of selection, and selection means the exclusion, *i.e.*, the negation of others. Thus when we attribute a name to an object or objects, we thereby exclude from the scope of that name some other object or objects. Moreover, without definition logical thought would be impossible. But definition means distinction, and distinction implies negation. For if man and not-man are the same, even the simplest terms will not have any meaning. And the higher we proceed in the scale of thought, the deeper becomes our process of analysing and systematising and the richer our system of nomenclature based upon it. This wealth of names grows on with the ascertainment of further distinctions, and thus it is the "driving and vitalising" force of negation which enriches the field of distinctions and of names based upon

¹ In this connection Helārāja, the commentator of the Vakyapadiya (III. 3, 42) quotes an interesting couplet which means, "Negation cannot be predicated of the existing; it does not exist in the non-existing; so there goes to death Negation in this universe."

"Na sātām ca nishedhosti so-(a) katsu ca na vidyate. Jagatyanena nyāyena nañarthah pralayaṃ hataḥ."

those distinctions. And when every point in the scheme of the universe will have been duly ascertained, distinctly tabulated, and definitely designated, it is then that Negation will shine forth as the consummation of thought. It is hence that some philosophers, ancient as well as modern, have looked upon transcendent negation as the highest ideal of pure thinking. But this is only one side of the shield. For thinking as well as naming is not only distinction, it is at the same time *relation*. If naming marks off one thing from another, it, at the same time, *connects* one thing with another. No doubt a thing which has nothing to distinguish it is unthinkable, but equally unthinkable is a thing which is so separated from all things as to have no community with them. Negation, then, is only a half-truth; and if it be taken as the whole truth, the half-truth would be distorted into a falsehood.

This duality in the process of thinking and naming and this reconciliation between the affirmative and negative aspects of meaning have been duly expounded above from the works of the Buddhist Philosopher Ratnakīrti and the Hindu Philosopher Jayantabhaṭṭa, who has pointed out the universal principle of Logic, that difference without identity, and identity without difference are unthinkable. Affirmation and negation are inseparable from each other. When we affirm a thing, we thereby deny its opposite; and when we deny a thing, we thereby affirm its opposite.

But this abstract and algebraic reconciliation of affirmation and negation belong only to the Metaphysics of Logic and not to the comparatively concrete and practical Science of Language. As the above pages have amply pointed out, all Indian schools of thought, especially the Jain and the Buddhist, are unanimous that *practicality* must be the criterion of verbal meaning. Negation may be a corresponding opposite of and inseparable from affirmation, but the question is, Does negation appeal to our concrete thinking

and common-sense as the essence of meaning when we hear a word? To quote Kumārila's example again, when we command our servant to cook our food, does the word "cooking" immediately start in our servant's mind an idea of the negation of non-cooking, or does it induce in his mind positive ideas relating to the process of cooking? Common-sense and concrete thinking must confirm the latter view, while psychology also must corroborate the fact that an actual modification of consciousness relating to the word "cooking" does take place in the mind of the servant, as the psychological argument advanced by Jayantabhaṭṭa and recorded in the above pages will amply testify. For it has been already shown above that a word, by direct association, at once starts relative ideas in the hearer's mind, though the original act of Naming may have been partly actuated by negation. It is hence that the Buddhist Philosopher (as quoted in the *Nyāyamanjari*, p. 308) confesses that it is philosophers, and not practical men, who analyse meaning into negation.

Definition of meaning as a relation is more sound logically as well as psychologically.

Again, if we apply the same test *practicality* to the logical side of meaning, we shall find, as already shown above, that a name generally stands, not for one individual, but *connects* a logical group, *viz.*, a community of which that individual is a member. And by this very relation negation is also implied. Thus while quoting the *Nyāyasūtra*, II.1,53, it was pointed out that the cognition of the limitation as to the denotability of words leads us to accept a relation between the word and the object denoted. We then cognise that the word "jar" is related to the object jar and not the cloth. As the author of the *Nyāyamanjari* (p. 317) says in this connection we of course necessarily differentiate a thing from other things when we have particularly determined its nature, as in the judgment "the jar is a jar and not the cloth," but this fact should not

lead us to suppose that we cognise only a negative object. Definition of meaning as a relation is therefore more sound and inclusive, logically as well as psychologically.

ANALYSIS OF VOLITION IN HINDU PHILOSOPHY

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In the following pages I propose to consider the Hindu analysis of the process of volition in the light of comparative psychology and comparative ethics. The importance of the subject arises as much from the originality and therefore the purely cultural value of the Hindu treatment as from the fact that it affords, rightly interpreted, an insight into the Hindu mind and outlook, particularly as regards the problems of philosophy and life. It is no use shutting our eyes to the fact that there exists to-day a great deal of *a priori* prejudice against eastern culture and attainment. The true remedy lies, however, not in any abstract *a priori* argumentation, but only in solid *a posteriori* evidence against all such preconceived notions. I confidently believe that the following exposition will not fail to achieve such a purpose by bearing unmistakable testimony to the profundity of the Hindu mind and the depth of its thought and culture.

I have adhered to the analytical and philosophical rather than the strictly historical method in the following exposition. My aim has been to interpret truth-value from the logical and philosophical standpoint rather than to describe the order of its genesis. I do not wish to minimise the importance of the historical investigation into the order of genesis. The historical enquiry has its value and significance and furnishes a fresh key to the reinterpretation of the whole truth. But, as the exposition itself will show, the work of interpreting the philosophical significance does not strictly

coincide with the inquiry into origins and into the chronological order of genesis, and it is even possible to extract philosophical truth without regard to the temporal order. I hope, therefore, not to be misunderstood, if, without launching into historical inquiry, I venture to attempt an exposition of meaning and value apart from the question of origin and of order in time.

I.—Voluntary and other forms of action.

The essential difference between volition or voluntary action proper and non-moral or automatic action was noticed by the Hindus as early as the time of Praçastapāda.

Praçastapāda's distinction between volition proper and the Automatic and Reflex Activities of the organism.

Thus in the Gunagrantha of his Bhāṣya on the Vaiṣeṣikasūtras Praçastapāda classifies *prayatna*, conation, into.

- (1) *Jīvanapurvaka*, i.e., having the life of the organism as its cause or antecedent condition, and
- (2) *Ichhādveṣapurvaka*, i.e., having *icchā*, desire, and *dveṣa*, aversion, as the cause.

Hence *Jīvanapurvakaprayatna* designates the organic activities proper, the reflex and automatic activities of the organism while *Ichhādveṣapurvakaprayatna* represents voluntary action or action with conscious foresight and choice. It is pointed out that each of these kinds of activity has its proper effects. Thus the organic activities serve certain specific ends, *kām arthakriyām karoti*, i.e., the ends of the organism. Similarly voluntary action serves a definite purpose, viz., selection of the good (*hitaprāpti*) and rejection of the evil (*ahitaparihāra*), besides *çarīra vidhāraṇa* or maintenance of the erect posture of the body.

It is to be seen that in the above analysis of conation organic activities are not only attributed to the life of the organism as their antecedent condition or cause but are also regarded as subserving the ends of the organic life. This teleological conception of activity is extended also to voluntary

action where the purpose or end is consciously aimed at and chosen. The ascription of *ṣarīra-vidhāraṇa* to voluntary effort is significant when viewed in the light of this essential character of volition as conscious aiming and choice: the physical straining and innervation represents this self-conscious direction of the will in its psycho-physical aspect as alertness of the body and the mind as the necessary pre-requisites of conscious action. This will be clear when we remember that with the lowering of consciousness (as in reverie or sleep) there is a corresponding relaxation of attention as well as the bodily posture.

The “Dinakarī” on the distinction between Voluntary and Automatic Action.

The “Dinakarī” (commentary on Viṣvanātha’s “Siddhāntamuktābali” by Mahādeva and his son Dinakara Bhaṭṭa) also distinguishes between volition or voluntary action and automatic and reflex actions of the organism.

Thus *Kṛti* which in the wider sense is identified with conation (*prayatna*) includes, according to the “Dinakarī”.

(1) *Pravṛtti*, i.e., volition in the positive sense as conscious selection of the good.

(2) *Nivṛtti*, i.e., volition in the negative sense as rejection of the evil.

(3) *Jībanayoniprayatna*, i.e., the activities arising from the life of the organism, i.e., the automatic and reflex activities proper. But *Kṛti* in the narrower sense stands for *pravṛtti* volition or voluntary action including willing in its positive and negative aspects, i.e., including *nivṛtti*. This excludes *Jībanayoniprayatna*, the organic activities, from volition proper. There is no volition in these organic activities (*prāṇasañchāra*) because they are not *svecchādhīnamatkṛti-sādhya*, i.e., cannot be brought to pass by my free will.

It is to be seen that by insisting on *svecchādhīnatva* or freedom as a necessary condition of volition the “Dinakarī”

excludes from volition proper not only the automatic and reflex activities of organic life but also all actions under blind impulse. It also follows from Dinakara's analysis that to constitute volition it is not sufficient that the action should be determined by conscious choice, in volition proper there being not merely conscious choice but also the consciousness that the choice has been free (*svecchādhīna*), i.e., undetermined by anything except my own will.

II.—*Analysis of Volition.*

In the foregoing we have considered the distinction between voluntary action and non-voluntary and automatic actions. In this section we shall consider the Hindu analysis of volition itself as set forth in the "Siddhāntamuktāvalī," the "Dinakarī" and other works.

Analysis of Volition in the "Siddhāntamuktāvalī" of Viçvanātha.

The "Siddhāntamuktāvalī" of Viçvanātha is of particular interest in this respect in regard to its invaluable exposition of the nature of volition and its conditions from the Prābhākara and the Nyāya standpoints.

A. THE VIEW OF PRABHĀKARA.

The Prābhākara view of the will, otherwise known as the Gurumata, is set forth in the "Siddhāntamuktāvalī" as follows:—

The consciousness of something to be done (*kāryatājñāna*) together with the desire for it (*chikīrṣā*) as the auxiliary condition (*sahakāri*) causes volition (*pravṛtti*, *kṛti*). The volition produces the organic reaction (*ceṣṭā*) which produces *kriyā* or the act regarded objectively. Hence the steps are:—

- (1) *Kāryatājñāna*, the consciousness of something to be done.
- (2) *Chikīrṣā*, the desire to do it which implies *kṛti-sādhayatājñāna* or the consciousness that it *can* be done.

- (3) *Pravṛtti*, *kṛti*, the act of volition.
- (4) *Ceṣṭā*, the motor impulse in the organism.
- (5) *Kriyā*, the act regarded objectively.

Kāryatājñāna.

As regards the nature of *Kāryatājñāna*, it is pointed out that it is not the bare consciousness that something is to be done but the consciousness of something to be done as produced by the representation (*pratisandhāna*) of the thing as *svaviśeṣaṇa*, i.e., as specifying the self. This, it will be seen, implies a distinction between appropriated and unappropriated ideas, it being assumed that the idea of an act does not of itself stimulate the will except in so far as the self has ideally appropriated or identified itself with the as-yet-unrealised objective content represented by the act. Hence we may have what may be called the bare idea of something to be done and this is incapable of inciting to active decision, but we may have also the consciousness of the thing to be done as produced by the representation of its being appropriated by the self and in this case there is desire and choice.

This distinction between the bare idea of an act and the idea of it as specifying the self and thus inciting to will is very clearly brought out by Gāgā Bhaṭṭa in the “*Bhāṭṭacin-tāmani*.” Gāgā Bhaṭṭa distinguishes two kinds of *Kāryatājñāna*. Thus I may have *Kāryatājñāna*, the idea of a thing to be done, simply in the form of the consciousness that it lies in my power to accomplish it if I choose. But I may also have *Kāryatājñāna* in the more peremptory form of the consciousness that I *must* do it. The first of these according to Gāgā Bhaṭṭa has reference merely to the inherent practicableness of the act in question (*padārthanaiṣṭhayogyatā*) and is thus not the determinant of volition, but the second being itself the effect of the anticipation of a positive good to be

realised—an anticipation which is strengthened by the consciousness of the good being unassociated with any serious evil consequences, is the cause of volition through the desire (which it arouses), and it is this specific form of consciousness—the form which takes this peremptory character of *must*—which is signified by its being *svaviṣeṣaṇavattāprātisandhānajananyatvam*, i.e., the cognition of duty as produced by the representation of the act as qualifying the self. (*Kāryatājñānam dvividham. Mayā idam kartum śakyate ityevam rūpam ekam. Māma idam avaśyam kartavyam, ityevam rūpam dvitīyam. Tatra ādyaṃ padārthanisthayogyatāgamyam iti na pravṛttim prati hetu. Dītiyam tu sveṣṭasāhanatvabalavadanīṣṭānanubandhitvajñānanajananyamiti cikīrṣā dvārā pravṛttim prati hetuh. Idameva svaviṣeṣaṇavattāprātisandhānajananyatvam.*)

It is to be seen that *Kāryatājñāna* in the first form as explained by Gāgā Bhaṭṭa in the foregoing analysis is only the consciousness that the thing can be done and is therefore identical with the *Kṛtisādhyatājñāna* which in the Prābhākara analysis is regarded as implied in desire or *cikīrṣā*. Hence according to the Prābhākaras *kāryatājñāna* is always to be taken in the second sense, i.e., in the sense of the consciousness that something *must be done* while *kāryatājñāna* in the first sense as the bare consciousness that the thing can be done is nothing but the *Kṛtisādhyatājñāna* which is an implicate of *cikīrṣā* or desire for the thing. It is to be seen also that while Gāgā Bhaṭṭa will not recognise this bare consciousness of the act being accomplishable as a determinant of volition (*na pravṛttim prati hetu*), the Prābhākaras by making it an implicate of desire include it among the conditions of willing.

The significance for psychology of the distinctions set forth in the foregoing analyses cannot be too much emphasized. In the first place the cognition which constitutes the conscious antecedent of a volitional process is distinguished from the

simple cognition of a fact. It is the cognition of an act and not of a *given* matter of fact, the consciousness of something *to be done* and not of something which simply *is*. Again, within this active consciousness of an act a distinction is made between the bare consciousness of its practicableness and the more active consciousness of self-determination with reference to it, *i.e.*, the consciousness that it is to be accomplished by me. The validity of these distinctions is obvious enough though they may appear overnice and scholastic to superficial critics.

(2) *The meaning of Cikīrṣā.*

Kāryatājñāna, the cognition of duty, leads to *pravṛtti*, will, through *cikīrṣā*, desire, which is defined by the "Siddhānta-muktāvalī" as *kṛtisādhyatvaparakārikākṛtisādhyakriyāviśayinī-icchā*, *i.e.*, as the desire which has the form (*prakāra*) of something *to be* accomplished by the will or *kṛti*, the something to be accomplished being an act (*kriyā*) which is *capable* of being accomplished by the will. Hence *cikīrṣā* is the desire to accomplish an act which is cognised as capable of being accomplished by the will.

It will be seen that among the *conditions* of *cikīrṣā* the Prābhākaras recognise *kṛtisādhyatājñāna*, *i.e.*, the consciousness that the act is to be, and can be, accomplished by the will, but not *iṣṭasāadhanatājñāna*, *i.e.*, the consciousness that it is conducive to my good. It is in this respect that the Nyāya analysis differs from that of the Prābhākaras, the Naiyāyikas insisting on *iṣṭasāadhanatājñāna* as being an indispensable condition of all desire. It is to be noted also that *cikīrṣā* is the *icchā*, *i.e.*, the wish to do what I recognise as *kṛtisādhyā*, *i.e.*, as I am to, and therefore as what is in my power to, do or accomplish. Hence it is more than mere *kṛtisādhyatājñāna*, *i.e.*, more than the cognition that it is to be, or can be, done. The latter is a necessary condition of *cikīrṣā* which is conative and not merely cognitive in nature.

(3) *Pravṛtti* or *Kṛti*.

Hence in *kṛti* or volition we have, according to the Prābhākaras,—

(a) *Svaviṣeṣaṇavattāpratisandhāna*, the representation of something as *svaviṣeṣaṇa*, or qualification of the self.

(b) *Kāryatājñāna* or the cognition of it as something to be done implying *kṛtisādhyatājñāna* or the cognition that what is to be done, can be done.

(c) *Cikīrṣā* or the *desire* that it be done.

It will be seen that the Prābhākara analysis does not recognise it to be necessary for volition that the action should be represented as *iṣṭasādhana*, i.e., as conducive to the good of the agent. Instead of happiness or satisfaction, the Prābhākaras will merely have *svaviṣeṣaṇavattāpratisandhāna*, i.e., the representation of the act as *puruṣaviṣeṣaṇa* i.e., as self-specifying and self-appropriated. This implies that the real motive to volition is not anything external, but the self itself as specified by or identified with something to be done. According to the Prābhākaras this holds good not only in the case of the *Nityakarmas*, i.e., acts which are always binding (such as ablution, the daily prayer, etc.), and the *Naimittikakarmas*, i.e., acts which are obligatory only when their *nimittas* or specific occasions arise (such as river-bath on the occasion of an eclipse or expiation for one who has sinned), but also in the case of the *Kāmyakarmas* or acts from sensuous inclination or material motives of gain. It is to be seen that the distinction between *nitya-naimittika karmas* and *kāmya-karmas* lies in that the former are nondependent on the agent's subjective desire for pleasure or happiness while the latter imply such subjective motive as their necessary condition. Hence the *nityanaimittikakarmas* may be described as the unconditional duties or acts non-conditioned by subjective or empirical motives while the *kāmyakarmas* may be designated hypothetical

duties or acts constituting the content of the empirical will. According to the Prābhākaras however, even in the sphere of *kāmyakarma* the real motive is not the sensuous inclination or desire for the external pleasure, but the self itself as qualified by, or identified with, this desire or inclination. In other words though in empirical willing we have *iṣṭasādhana-tā* or a material motive of gain as a necessary condition of the desire or *kāmanā*, yet this desire is an incentive only as *svaviśeṣaṇa*, as self-specifying and self-appropriated. In the case of the *nityanaimittika* or unconditional duties on the other hand, the acts (ablution, prayer, etc.) as enjoined by the imperative imply no material motives or *iṣṭasādhana-tājñāna* and are motives to will as *purely* determining the self without reference to anything extrinsic to themselves.

It is to be noted that the *kāmyakarmas* or conditional duties may be either *Vaidika*, i.e., of scriptural origin, or *Laukika*, i.e., of social origin. The scriptural duties are *adr̥ṣṭārthaka*, i.e., of non-sensuous or non-empirical consequence, while the *Laukika* duties are *dr̥ṣṭārthaka*, i.e., of sensuous or empirical import. Thus there are religious sacrifices and the like (*yāgādi*) enjoined in scripture on persons desiring non-natural objects such as happiness in heaven, etc. These constitute the *kāmya* duties of non-sensuous import. Similarly cooking and the like (*pākādi*) are recognised as being required to ensure specific empirical results. These constitute the *kāmyā* duties of sensuous import. In either case there is *kāmanā* or desire for a consequence, i.e., for a consequence other than the act itself, but this desire moves the will only as *svaviśeṣaṇa*, i.e., as specifying the self. There is thus *iṣṭasādhana-tājñāna*, i.e., an extraneous purpose, in all empirical volition, whether enjoined by scripture or recommended by society, but this extraneous purpose moves the will by being identified with the self and appropriated by it for the time being.

The material motive implied in *Kāmyakarma* has a negative as well as a positive side. Positively it implies the

consciousness of the act as being conducive to a specific good of the agent, but this positive consciousness of a prospective good is incapable of inciting to will except in so far as it is unaccompanied by the apprehension of any serious undesirable consequences spoiling the value of the anticipated good in question. It is the absence of these deterrents such as the anticipation of any serious loss or injury (*balavadanīṣṭānanulandhitva*) that constitutes the negative side to the positive consciousness of *iṣṭasāadhanatā* or material advantage, in the motive in empirical willing.

If we compare the Prābhākara with the Nāya view we shall find that the essential difference arises from the Prābhākara insistence on the element of self-reference in all motive which the Naiyāyika does not consider to be necessary. Thus with the Naiyāyika what is essential in the volitional process is the *iṣṭasāadhanatājñāna* or the consciousness of the object desired as being conducive to my good, and there need not be any representation of this as specifying or enriching the self. With the Prābhākaras however it is this self-reference that constitutes the essential part of the motive while the consciousness of good may or may not be present. As a matter of fact such consciousness exists only in empirical willing which implies *kāmanā* or desire for pleasure. Even here however the consciousness of good is a motive only as *puruṣaviśeṣaṇa*, i.e., as referred to and appropriated by the self. In *nityakarma* however there is no material motive involved and the act moves the will as *purely* determining the self, i.e., as the self identifies itself with it. The Prābhākaras contend that what is *anugata*, present in all cases of volition, is *kāryatājñāna*, the consciousness of a thing to be done—the consciousness which is produced by the representation of the act as specifying the self. Hence this consciousness being present in all cases, while *iṣṭasāadhanatājñāna* or consciousness of good being sometimes present and sometimes not, the hypothesis that the former is the

true cause of volition has the merit of simplicity (*lāghava*) :—
*evam ceṣṭasādhana-tva-balavadaniṣṭānanubandhitva-ṣucita-
 tkālajīvitvajñānanyānām kāryatājñānānām kāryatājnan-
 atvena anugatānām pravṛttau hetutvam iti lāghavam*
 (“*Bhāṭṭachintamani*”).

It will be seen that the Prābhākara analysis of the will constitutes a very important and substantial contribution to the ethics of rigorism. While the Kantian rationalism does not provide us with an adequate psychological basis of rigorism, the merit of the Prābhākaras lies in removing this serious defect and thus founding rigoristic moral theory on our inherent psychological constitution. Kant no doubt admits at least one feeling which is not pathological, *viz.*, love of duty or reverence for the Moral Law. But the Prābhākaras point out that the element of self-reference is the very essence of an act of will, and the desire for an extraneous end (as in empirical willing) appeals only as identified with the self and appropriated by it for the time being. The psychological basis of rigorism has been developed in this line by Green who holds that the motive is not the strongest desire but the desire which the self has identified with itself. While with Green however the motive as determining the self is always presented as a good, with Prabhākara and his followers the act is presented as *iṣṭa-sādhana*, good or advantageous to the self, only in the case of empirical willing (*kāmyakarma*). In the case of the *nityakarmas* or unconditional duties, the agent is impelled by no such consciousness of anticipated good but is prompted to action merely from the sense of *preraṇā*, duty or obligation.

The Prābhākaras differ from Kant also in another important point. With Kant it is the *nature* of the Moral Law that ensures the freedom of the agent—the “Ought,” the imperative character or obligatoriness of the Law, establishes the power, the freedom in the agent, to accomplish it. Hence the idea of freedom is implicated in the idea of

the Moral Law, and the reality of freedom follows from the validity of the latter. With the Prābhākaras however *kṛtisādhyatājñāna* or consciousness of power is a *psychological* implicate in *every* act of will and therefore also in the desire for duty. The Prābhākaras generalise into a necessary psychological condition of every desire what Kant would confine to the mere desire for duty, *viz.*, *kṛtisādhyatājñāna* or the consciousness of freedom. Hence with the Prābhākaras the proof of freedom lies in the psychological condition of volition—the evidence is *psychological*. With Kant freedom is an *ethical implicate* of our consciousness of the Moral Law—hence its reality stands or falls with the validity of the consciousness in which it is implied. The proof of freedom with Kant is therefore *ethico-metaphysical* and not psychological. It may be remarked however that the Prābhākaras also give what may be called the *moral proof* of freedom as arising from the obligation implied in the imperative character of the Moral Law, but they develop this proof in connection with the code of Vedic injunctions and prohibitions which they regard as constituting the Moral Law. The Vedic prescriptions, they argue, are of an impelling character and this establishes the power, the freedom in the moral agent, to accomplish them : *Pravartanārupo hi vidhiḥ arthat samihitasādhanaçaktim bōdhayati* (Pārthasārathi Miçra's "Çāstradīpikā")

B. The Nyāya View.

In the foregoing exposition we have confined ourselves to the Prābhākara analysis of the will as set forth in the "Siddhantamuktāvalī." We shall now deal with the Nyāya view as presented in the same work, the view which we may note is also accepted by the Bhāṭṭas and the Shankara-Vedantists as regards the psychology of volition.

A special merit of the Nyāya analysis lies in the fact that it analyses will not merely in its positive aspect as

cikīrṣā, desire or attraction for the good, but also in its negative form as *dveṣa*, aversion and avoidance of the evil. While with the Prābhākaras with their doctrine of the pure will and self-reference the consciousness of good or evil is of no consequence and therefore the distinction between the two kinds of will is immaterial, with the Naiyāikas with their hedonistic theory of the motive this is a very essential distinction which cannot be psychologically insignificant as the Prābhākaras hold.

(a) *The Conditions of Cikīrṣā, Icchā or Desire according to Nyāya.*

The conditions of *cikīrṣā*, *icchā* or desire, according to Nyāya, are :—

Kṛtisādhyatājñāna or the cognition that something can be done, and

Balavadaniṣṭānanubandhīṣṭasādhanaatājñāna, or the cognition that this something is not only conducive to my good but also incapable of causing any serious loss or harm outweighing the good to which it leads.

Hence *cikīrṣā* implies

(1) *Kṛtisādhyatājñāna* or the consciousness of a thing as capable of being done by me ;

(2) *īṣṭasādhanaatājñāna*, or the cognition that this thing is *īṣṭasādhana* or conducive to my good ;

(3) *Balavadaniṣṭānanubandhitvājñāna* or the consciousness of this good being unaccompanied by a stronger evil.

About the exact nature of the third of the above conditions there is difference of opinion.

(1) According to Viṣvanātha it is not the consciousness of the absence of evil but the absence of the consciousness of evil. Thus according to Viṣvanātha's interpretation *balavadaniṣṭānanuvandhitvājñāna* is a negative condition of the mind and means *aniṣṭajanakatvājñānābhāva*, the absence of the knowledge of its being productive of evil.

(2) Others hold however that *balavadaniṣṭāmanubandhitva* as a condition of volition cannot be a negative state. To say that it is mere *absence* of the consciousness of evil is to make it psychologically unintelligible as a condition of willing. The absence of the deterrent can be a psychological determinant only as the positive consciousness of absence. Hence it is *balavadaniṣṭājanakatvajñāna*, the positive cognition of its being unproductive of a *balavat* or greater evil.

Viṣvanātha however rejects this latter interpretation. His objection to this view is that if desire (*cikīrṣā*) follows immediately without *vilamba* or interval where there is consciousness of good (*iṣṭasāadhanatājñāna*) together with the absence of the deterring consciousness of evil (*balavadaniṣṭājanakatvajñānābhāva*), then an intervening consciousness of the absence (*aniṣṭa-ajanakatva*) is not necessary.

The question raised here is : What is the precise significance of the absence of deterring motives which is said to be presupposed in every act of volition ? Some hold that as a psychological determinant of volition it must be of the nature of a positive consciousness of the absence of a stronger evil. This however raises the difficult question about the nature of this consciousness of absence as distinguished from the simple absence of the consciousness of evil. Moreover Viṣvanātha's appeal is to the actual experience of men which certainly supports his contention that in a great many cases at least there is nothing of this *positive* consciousness of absence though there is volition. Viṣvanātha's contention seems therefore to be that absence of the consciousness of deterrents, or, if this is unintelligible as a *psychological* condition, an indefinite subconscious sense of the absence, suffices for volition generally, though also in special cases it may become a positive consciousness of the absence.

In this connection there is also an interesting discussion as to the nature of the *pratibandhaka* or deterrent. The

question is raised whether the deterrent is to be conceived as a *cognition* that a certain thing is injurious or productive of undesirable consequences (*dviṣṭasādhantājñāna*), or whether it is to be conceived as the *feeling* of aversion or *dveṣa* which arises from this cognition of injury or harm. Some hold that mere cognition is sufficient while others contend that cognition must produce the feeling of aversion before it can act as a deterrent. It will be seen that the dispute is about the significance which is to be attached to our emotional and instinctive life in the causation of volitional process. Those who consider the bare cognition to be sufficient are accused of underrating the affective and emotional life while over-estimating the importance of thought. As against these it is contended by others that the idea itself cannot move the will except as influencing feeling. The far-reaching import of this psychological controversy will be obvious if we remember that it is on similar issues with regard to the emotional life that the philosophy of life has opposed itself at the present day to the abstract Intellectualism of the Hegelians.

(b) *The Conditions of Dveṣa, Aversion.*

Just as in the case of *Cikīrṣā* or Desire there are a positive and a negative side consisting respectively in the consciousness of a good and the absence of the consciousness of a stronger evil, so also in the case of Aversion, *Dveṣa*, there are the corresponding positive and negative factors. Thus Aversion implies, as a positive condition, the consciousness of evil or harm, and as a negative condition, the absence of the consciousness of a greater good. Thus *dviṣṭasādhantājñāna* or the cognition of a thing being conducive to injury or harm together with *balavadiṣṭasādhantājñānābhāva* or the absence of the consciousness of a compensating good produces *dveṣa* or aversion to the object in question. It is significant that in this case there is no mention

of *kṛtisādhyatājñāna* or the consciousness of power as a condition.

With reference to the precise nature of the negative condition—

(1) While Viçvanātha holds that it is merely the absence of the consciousness of a compensating good (*balavadiṣṭasā-dhanatājñānābhāva*),

(2) Others contend that a mere absence is psychologically unintelligible and that there is here a positive consciousness of the absence of good and not merely the absence of the consciousness of good.

The question of the *pratibandhaka* or deterrent to the aversion is also discussed in this connection. It is pointed out that the absence (*abhāva*) of the consciousness of a compensating good being the negative condition of the aversion, a positive cognition of such good will act as a deterrent. Others however hold that such cognition by itself is not sufficient: the cognition of good must lead to desire (*icchā*) in order to counteract the aversion, it being assumed that a feeling is overcome only by the opposite feeling and not by mere idea.

(c) *The Conditions of Volition (Pravṛtti, kṛti) according to Viçvanātha.*

After discussing the conditions of Desire (and Aversion) Viçvanātha enumerates the conditions of volition (*Pravṛtti*). Thus *Pravṛtti* or volition in the positive sense implies (according to Viçvanātha)—

- (1) *Cikīrṣā*, desire to do something;
- (2) *Kṛtisādhyatājñāna*, the cognition that it can be done;
- (3) *Iṣṭasādhana-tājñāna*, the cognition that it is conducive to my good with *balavadaniṣṭānubandhitva-jñānābhāva* or the absence of the cognition of a stronger evil;
- (4) *Upādānapratyakṣha*, the perception of the *upādāna*, matter or stuff, out of which the thing is to be produced.

It is pointed out that since each and every one of these is a condition of volition, therefore any one, being absent, will render volition impossible. Hence.

(1) Where *krtisādhyatājñāna* or confidence in one's power is lacking, there is no volition. This is why there is no willing of impossible things such as "producing rain" (*vṛṣṭīkarana*) or "bringing the moon down to make it serve the purpose of a lamp" (*chandramāṇḍalānayana*). There is no volition for such things for they are recognised to be beyond the agent's power. While however the consciousness of power is thus a necessary condition of willing, this consciousness must exist *at the time of the willing* or there will be no volition. Thus *krtisādhyatājñāna* or consciousness of power must be *tadānimkrtisādhyatājñāna*, must exist at the occasion of the willing: there will be no volition if this consciousness is lacking at the time of willing though it may exist before or after it. This is why the sexually immature child does not care for the future pleasures of youth: *bhāvi yauvarāje bālasya na pravṛtti*. The child lacks the capacity of indulging in these pleasures though he may acquire it in a maturer age. Hence it is that as a child he does not care for what as a young man he will desire afterwards. This, it will be seen, implies that our powers and capacities unfold themselves in a certain order, which appear not *all* at once but *each* in its proper time and circumstances, and as our freedom is itself dependent on the exercise of these powers and capacities it is also a thing that grows with ourselves and expands and deepens with the broadening and deepening of our lives.

(2) Similarly where *iṣṭasāadhanatājñāna*, the consciousness of good, is lacking, there is no volition. How, then, are we to account for acts of self-injury such as suicide? What is the motive to suicide? How can there be any consciousness of good in these acts of self-destruction? The answer is, even in these there is *iṣṭasāadhanatājñāna* or consciousness

of good, for what happens in such circumstances is this. On account of abnormal mental conditions there is lapse of judgment for the time being and the individual resolves on taking poison under the erroneous idea that suicide is not a great evil: *roga-duṣṭacittah viśādibhakṣaṇe pravartate tadānim-balavadaniṣṭānanubandhitvājñānāt*. According to another view the abnormal conditions induce the act of suicide not through any *positive* consciousness of the act being not an evil but only through the absence of the consciousness of its being an evil, *i.e.*, by suppressing the consciousness of evil which would be present in normal conditions: *rogaduṣṭacittah viśādibhakṣaṇe pravartate tadānim balavadaniṣṭānanubandhitvājñānāt*.

The difference between the two interpretations centres round the way in which the deterring motives are to be conceived as being suspended. While some recognise a mere negative operation in the nature of a temporary suspension of the counteracting considerations as being sufficient, others think that there is a *positive* judgment that such considerations are unavailing. It will be seen that in the actual conditions of life the negative as well as the positive forms operate. Thus in the case of ordinary suicides it is the negative form that generally suffices, there being in these cases nothing but a temporary suppression of the deterring motives. But in the case of martyrs and suicides who act from deliberation or morbid self-consciousness it is the positive form that holds good.

(3) While there is this consciousness of good (including the absence of the deterring motives) in all volition, it is also necessary that the anticipated good (*iṣṭasādhana*) must be *tadānim iṣṭasādhana*, *i.e.*, must be relative to the time and the circumstances. Thus what is good in one condition of life may not be a good in another condition and thus may cease to be desired in the altered conditions. This is why the meal which is greedily desired by the hungry man only

disgusts him after appeasement : *trpto bhojane na pravartate*. The reason is that the condition of the desire, *viz.*, hunger, having ceased in the changed circumstances, the meal (*bhojana*) is no longer felt as a good :

N.B.—It follows from the above that good and evil as depending on subjective conditions like attraction (*rāga*) and aversion (*dveṣa*) in the individual, must always be relative and conditional. But this contradicts the Nyāya doctrine of an absolute and unconditioned good as being the highest end. The Naiyāyika solves the difficulty by conceiving the highest good not as positive happiness but as the absolute cessation of suffering. According to him, the highest good conceived as absolute freedom from suffering does not imply either *rāga*, attraction, or *dveṣa*, aversion, in the agent, for this negative state being not positively favourable (*anukula*) but merely not unfavourable (*apratikula*) cannot inspire any pathological feeling such as *rāga*, attraction, in order to be desired.

(4) If there is thus consciousness of good in all cases, the question rises, how is moral evil possible? The essence of moral evil lies in the conscious choice of the evil course in preference to the good. How then is such deliberate choice of evil possible which is the meaning of sin? As a matter of fact we find that crimes are perpetrated by believers (*āstikas*) who believe in hell as well as by persons who know the penalty they have to pay. Thus men often yield to temptation such as forbidden sexual indulgence (*agamyāga-mana*), the destruction of the enemy (*satruvadha*), etc., even though they are fully alive to the penalty attached. How is all this possible if consciousness of good be a necessary condition of volition in all cases?

The answer is : under the influence of strong passion there is a temporary suspension of the consciousness of the penalty. Thus the seductions of the pleasure often succeed in driving out the consciousness of punishment in hell and volition takes

place as a consequence in spite of the presence of the counter-acting motives as a rule. *Utkaṭarāgādinā narkasāadhanatā-dhātirodhānāt.*

(d) *The view of the Nabyās.*

Amongst the Nabyās there are followers of Prābhākara as well as of orthodox Nyāya, who hold different views regarding the conditions of *pravṛtti* or volition. According to the orthodox Nyāya view, the conditions which are required for volition are *balavadaniṣṭānanubandhiṣṭasāadhanatve sati kṛtisādhyatājñāna*, i.e., *kṛtisādhyatājñāna* or confidence in one's power or capacity and *iṣṭasāadhanatājñāna* or the consciousness of the agent's good together with *balavadaniṣṭānanubandhitvājñāna* or the absence of the deterring consciousness of evil outweighing the good. The Nabyās however point out that the confidence in one's power is not always a condition of volition. As there cannot be an original consciousness of competency in regard to future acts which have never been willed before, the individual would never will them if the sense of competency were a necessary condition of all volition. The truth is that these acts are in the first instance an imitation of what has been observed to be done by other persons. (Hence it is only in the later and more developed stage of self-conscious willing that the consciousness of power can enter as a determining factor of the volitional process.) The old Naiyāyikas however argue: there can be no question of imitation in such acts. As a matter of fact there is imitation neither in new constructions (prompted by constructive imagination) nor in the spontaneous unfolding of the life of instinct such as sex-gratification.

N.B.—It is to be seen however that the real point at issue is whether the sense of competency is to be included among the conditions of volition. The instances of instinctive, spontaneous or impulsive actions which the old school cites against the new may disprove the theory of imitation but

do not establish the traditional view as regards consciousness of competency being required as a necessary condition. As a matter of fact there is some confusion here which obscures the real issue, as neither imitative, nor spontaneous and instinctive acts come strictly within the class of volitional actions which they are supposed to illustrate.

(e) *Comments of the "Dinakari."*

The "Dinakari" makes some very interesting comments on the Nyāya view as expounded in the "Siddhānta-muktāvalī." Thus :

(1) With regard to the condition of desire (*icchā*) it points out that this may exist *svarūpatah*, i.e., on its own account without being known or consciously referred to the self. This means that volition need not be self-conscious though of course a conscious desire for some good must be present. It is the presence of such a desire that distinguishes volition proper (*pravṛtti*, *prayatna*) from automatic, reflex or instinctive acts (*jīvanayoniprayatna*) in which there is no conscious desire. But this merely means that the desire involves the consciousness of the future good towards which it strives and not that there is also a consciousness of the desire itself or of the self as so desiring. *Iṣṭasādhana-tā-jnane icchasvarūpato viśeṣaṇam, tena icchajñānaçūnyakā'e'pi cikirṣā nirvāhaḥ.*

N.B.—It follows from the above that according to the Nyāya view conation includes—

(a) Automatic, reflex and instinctive activities which are characterised by the absence of conscious desire, and

(b) Volition proper involving the conscious desire for a future good.

The latter again is—

(i) Either simple volition as implying nothing more than the effort to realise a future good aimed at,

(ii) Or Self-conscious willing implying not merely the conscious desire for a future good but also a consciousness of this desire or of the self as so desiring.

The distinction between volition and self-conscious volition is possible only in the Nyāya view according to which self-reference is not a necessary condition of the volitional process. For the Prābhākaras however as all desire must specify the self in order to move the will, volition is necessarily self-conscious in all cases.

(2) Again as regards Aversion (*Dveṣa*) the "Dinakari" points out that this may be either direct or transferred. It is direct in regard to pain (*duḥkha*) while in regard to all that is a cause of pain (*duḥkhasādhana*) the aversion is indirect, derived or transferred. Even the natural fear of a snake (*sarpa*) is in this sense transferred or derived.

(3) As the presence of a strong aversion (*balavadāveṣa*) stands in the way of volition, the question rises : how is the absence of the deterrent to be conceived in order to be regarded as a condition of volition? The view of Viçvanātha is : the consciousness of a preponderating evil (*balavaddviṣṭasādhanatājñāna*) being the deterrent, the absence of such consciousness is a condition (*hetu*) of volition. But this raises the question as to what constitutes effectiveness, preponderance or deterring force and several other questions.

(i) Thus we have first to ascertain what constitutes the effectiveness (*balavatta*) of the aversion. According to Nyāya, effectiveness is not a question of the sheer intensity of the pain involved. As a matter of fact the agent is not deterred or moved to act by mere consideration of the greatness or smallness of the pain involved. Considerations of *vahutara* or *alpataraduhkha*, i.e., of quantitative differences in the pain, do not decide the question here, even an intense pain sometimes proving unavailing while even a comparatively feeble one being observed to be effectual. This shows that the deterrent force of the pain is a peculiar quality which is not

easy to describe. *Kvacit vahutarasya dukkhasya abalavattvāt, kvaciṭ alpasya dukkhasya balavattvāt, anugatusya balavattvasya abalavattasya durvacattvāt.* According to Nyāya, this deterrent force of the aversion (*dveṣa*) is a specific quality independent of quantity, aversion (*dveṣa*) in certain forms and certain occasions being deterrent, i.e., falling within the class (*jāti*) of feelings characterised by the mark of being deterrents—*dveṣe balāvattvam jātiviṣeṣaḥ*.

The ordinary Nyāya view of a *balavadanīṣṭa* or deterrent evil is as follows :—A deterrent evil is that *anīṣṭa* which is other than whatever is entailed as a necessary accompaniment or consequence of the act in the interval before fruition *balavadanīṣṭānanubandhitvamāha iṣṭotpattināntariyakadukkhādhikdukkhājanakatvam, iṣṭotpattināntariyakadukkhādhikadukkhājnanakatvasya balavadanīṣṭānanubandhitvasya vidhyamāṣyākṣateḥ* (Vijñānabhikṣu's Sāṅkhyapravachanabhāṣya). If therefore there be any pain arising from the act even after the realisation of the end, such pain will act as a deterrent. It may be noted that the pain which is entailed by the act *before* fruition, either as an accompaniment or as a consequence of it, may or may not deter. The pain however which comes *after* fruition is always a deterrent, the idea being that the presence of pain at this stage is the negation of the fruition which is the real incentive to the act. Some point out however that the absence of pain which is other than what is involved as a necessary accompaniment or consequence of the process leading to fruition cannot be a condition of volition as this will imply that there is always *nāntariyakadukkhā* or intervening pain accompanying the process of realisation of the end. As a matter of fact there are also *sukhamātrajuna-kakarmas* or acts which generate pleasure only without causing pain and such acts do not imply the absence of pain other than that involved in the intervening process as a condition, there being no intervening pain in such acts. The Nyāya meets this objection however by showing that pain cannot be

altogether got rid of in any case as it will always be present at least in the form of the effort or exertion (*çrama*) which must be put forth by the agent in realising his end.

The above is the ordinary Nyāya view of the deterrent as being the pain which is apprehended as likely to come *after* fruition. Vāchaspatimiçra, however, interprets the deterrent to mean *narakaduhkha*, the fear of punishment in hell or theological penalty. He thus imports psycho-ethical considerations to explain the psychological process of arrested will in the presence of the object of desire. In this respect therefore the ordinary Nyāya view as being a purely psychological explanation is not only deeper in its analysis but also profoundly original there being nothing corresponding to it even in modern western psychology. The Cārvākas no doubt offer also an explanation on a purely psychological basis, but they emphasize only the quantitative differences of pleasures and pains as the determining factors in selection and rejection. Thus according to them there is selection when there is a balance of pleasure over pain as contrarywise there is rejection when the amount of pain exceeds that of pleasure. The Naiyāyika however points out that quantitative differences are not always effectual in determining the result, but there is one factor which is always potent as a deterrent to volition, *viz.*, the existence of pain *after* fruition. Hence the pleasure which is to be potent as a motive must always come *at the end* of the process, just as the pain which comes after the pleasure of fruition must always act as a deterrent. There is in other words a certain *order in time* in which pains and pleasures must follow one another in order to move the agent to act, an order which may be said to be a specific quality in pleasures and pains like Mill's quality which decides the question of their strength as motives and deterrents. It will be seen that this is an entirely new element or factor which is not included in the Benthamite calculus according to which distance and proximity in time

affect only through variations of the intensity or *quantity* of pleasures and pains and not through their order in time in the process leading to fruition.

(ii) Secondly, the question rises, what is it that acts as a deterrent? Is it the subjective aversion of the agent, or the object which inspires the subjective feeling? The "Dinakari" observes: it is not the object of aversion (*dviṣṭa* or *aniṣṭa-viṣaya*) but the feeling of aversion in the subject that acts as the deterrent to volition. Here is therefore a question of subjective value, the deterring strength of the feeling being relative to the person, the time and other circumstances. *Tattalkālinatatpuruṣīyecchām prati pravṛttim prati ca tatalkālinatatpuruṣīyabalavaddviṣṭajanakatvajñānasya pratibandhakatvam kalpyate*. Thus *naraka*, suffering in hell, is a deterrent evil (*balavaddviṣṭa*) to Chaitra and he abstains from sinful self-indulgence as a consequence, but as such suffering has no influence as a deterrent on Maitra he does not abstain from such self-indulgence.

(iii) The force of the deterrent may also be overcome in another way. Thus one and the same act may be capable of producing intense pleasure (*utkaṭasukkhajanaka*) and intense pain (*utkaṭaduhkhajanaka*) at the same time. Here neither desire (*icchā*) nor aversion (*dveṣa*) will be produced. But there may also be competition between the two states of desire (*icchā*) and aversion (*dveṣa*) resulting in an oscillation between the two antagonistic conative attitudes which may culminate at last in volition when the aversion (*dveṣa*) has been overcome or has subsided.

Volition may therefore be suspended in two ways: (1) when the desire has arisen but does not culminate in actual willing, being counteracted by a deterrent aversion, (2) when the desire as well as the aversion are unproduced as a consequence of the act being cognised to result in intense pleasure and intense pain at the same time. In the latter case the pleasure being exactly

balanced by the pain, the corresponding impulses do not arise being neutralised at the very beginning. But under certain circumstances there may be a state of oscillation instead of complete suspension or abeyance which may be said to constitute the non-intellectual basis of the intellectual process of deliberation. This state will cease when the indecision at last terminates into actual willing by aversion being overcome or subdued or when it has otherwise subsided of itself.

As there are two forms of arrested volition, there are also two ways in which the force of the deterrent may be counteracted. Thus the deterrent may be simply unproduced being completely neutralised by an equally strong impulse to act as generated by the consciousness of intense pleasure as in states of complete suspension of conation. But the deterrent may also be overcome by the consciousness of pleasure after a state of oscillation between desire and aversion as in the case of final resolution of indecision and wavering into actual willing.

(iv) It should also be noted that consciousness of impending evil is a deterrent only in the sense that the agent is practically *certain* about the consequences of the action he contemplates. In cases however where the consequences are uncertain and problematic and the apprehension of evil is merely speculative, desire and volition are not necessarily counteracted. Thus men are not prevented from risking the dangers of costly and wasteful wars merely by the speculative apprehension of possible evil consequences to themselves. *Yuddhādau balavadaniṣṭasādhanaśāndehe'pi iccā pravṛt-tyoh udāyat.*

Note.—Hence with regard to the deterrent it is to be observed that it is always a *feeling* of aversion arising from the conscious apprehension of evil and not the simple cognition of an object of aversion. Secondly, the evil apprehended is some painful experience which is cognised as marring the

fruition aimed at by the act of volition either through theological penalty believed to be associated with the action or by entailing suffering on the agent after fruition and thus negating the fruition. Thirdly, the force of the deterrent is relative to the person, the time and the circumstances, so that what is sufficient to deter one person, or under one kind of circumstances, may not deter another, or in a different set of conditions. Fourthly, the deterrent implies some degree of certainty about the evil consequences on the agent. For example, where the possibility of evil is a matter of mere speculation the deterrent is not necessarily effectual. Fifthly, the deterrent may also fail either by being simply unproduced as when the feeling of aversion is neutralised by an equally strong feeling of attraction, the result being the complete suppression of conation, or by the attraction of pleasure at last overcoming the aversion and resolving itself into action after a temporary state of oscillation.

(4) It is to be seen from the above that volition includes positive as well as negative conditions which again imply intellectual as well as conative and affective factors. The question thus arises: how are these intellectual and non-intellectual factors to be conceived in relation to the positive and negative conditions of volition? The "Dinakari" discusses five different alternatives in this connection:

(i) Thus it may be supposed that the conditions which suffice to induce volition are cognition of the absence of any *serious* evil consequences (*balavadaniṣṭānanubandhitvajñāna*) plus cognition of the action being conducive to the agent's good (*iṣṭasāadhanatājñāna*) plus resulting desire, etc. It will be seen, the emphasis here is on a *positive* cognition of the absence of the deterrent, *i.e.*, the negative condition of the absence of deterrents is conceived as a positive consciousness of security.

(ii) It may be supposed that the deterrent is itself a cognition, being the consciousness of the act entailing serious

evil consequences on the agent. Therefore the absence of such cognition, being the absence of the deterrent or *pratibandhaka*, is the real ground (*hetu*) of the volition. The negative condition is therefore conceived here negatively as *balavadaniṣṭānubandhitvajñānābhāva*, i.e., absence of the cognition of serious evil consequences. This is in response to the logical demand for parsimony of hypothesis and the inadmissibility of unnecessary and superfluous assumptions. It is assumed that volition being psychologically possible even without a positive cognition of the absence of the deterrent, action being possible on the simple absence of the consciousness of a deterrent in many cases, a positive cognition is not a real determining factor even where it may be felt to be present.

(iii) In the above the deterrent is conceived as a simple cognition of possible evil consequences on the agent. It may be supposed however that the deterrent, *pratibandhaka*, is not mere *balavadaniṣṭājanakatvajñāna*, i.e., not the simple cognition of the act as entailing serious evil consequences, but *dveṣaviṣiṣṭasya balavadaniṣṭājanakatvajñāna*, i.e., the cognition of the act as a source of possible evil consequences by an agent who entertains an aversion to the act. In other words, the deterrent, *pratibandhaka*, is not a simple cognition but a compound made up of the two components of the feeling of aversion (*dveṣa*) and the cognition of evil (*aniṣṭajñāna*). Hence mere aversion (*dveṣa*) is ineffectual just as is mere cognition of the evil consequences. (a) Thus suppose there is aversion (*dveṣa*) without any *jñāna*, cognition of the evil. Such aversion is powerless as a deterrent, i.e., there may be volition in spite of such groundless aversion. (b) Similarly suppose there is cognition of evil but no aversion, i.e., the cognition (*jñāna*) exists without the feeling of aversion (*dveṣa*) which it should ordinarily produce. Such cognition is also ineffectual as a deterrent, i.e., there may be volition in spite of such cognition

of the unpleasant consequences associated with it. (c) Again, suppose there is not only the cognition but also the feeling of aversion. Here we have all that is necessary to constitute the deterrent or *pratibandhaka*, and the presence of the deterrent renders volition impossible. (d) Lastly, suppose both the cognition and the feeling are absent. Here all the factors of the deterrent being absent, the negative conditions are fulfilled. Hence where the positive conditions are also present, volition follows without fail. Thus while in the case of (a) and (b) volition may or may not take place, in the case of (c) it is impossible as in that of (d) it is very probable.

(Note.—It will be seen that (a) and (b) illustrate the conflict between the intellectual and non-intellectual factors of the mind from two opposite points of view. This conflict is writ large on modern life where intellect and instinct are struggling simultaneously for victory. (a) illustrates the impotence of mere feeling which inspite of heredity and transmission has often to give way to the light of knowledge. This is how race-prejudice and race-habit yield gradually to enlightenment and higher moral outlook. (b) illustrates the tragedy of the overdeveloped intellect “sicklied o’er with the pale cast of thought,” the intellect which grows at the expense of the affective and other factors and thus cannot translate itself into the life of feeling and willing.)

(iv) In (iii) above we have discussed the alternative which conceives the deterrent as a compound in which the feeling of aversion and the cognition of evil enter as essential components. There is a fourth alternative which remains to be considered, *viz.*, that which conceives the deterrent as consisting essentially in a feeling of aversion, a feeling however which is itself induced by the cognition of the evil consequences on the agent that may be entailed by the action contemplated. In this view it will be seen a causal relation is assumed between the cognition and the feeling, the latter being regarded as an effect of the former. It

is not clearly shown however whether the cognitive element continues in the effect, or ceases with the appearance of the feeling. If the first of these is meant, we have only, it will be seen, another variety of (iii), the deterrent being conceived as a compound of components which are causally related to each other. It will also be noted that in this view in either of its two forms we have an analysis of volition from the intellectualist standpoint which ascribes primacy to the cognitive factors and does not admit irrational feeling to have any influence over conscious choice and will. It however follows from this view that cognition is also ineffectual without feeling, though it may have primacy as the causally determining factor, and therefore priority over the other factors of the mind. Thus according to it there may be cognition of evil *dviṣṭasādhana-tājñāna* but it will not of itself prevent willing till there is a feeling of aversion produced by such cognition. This is illustrated in the case of suicides. Thus when a suicide resolves on self-destruction by means of poisoning (*viṣabhakṣaṇa*) it cannot be supposed that he has no idea of the evil consequences on himself of the act of taking poison which he resolves upon. What therefore happens is that the cognition of the evil consequences fails to produce the feeling of aversion which it will in ordinary circumstances. As a result of this his cognition has no influence on his decision and fails to act as a deterrent to the action.

Note.—We have thus three different explanations of suicide, etc.—

(1) We may explain such acts as being due to the cognition of their evil consequences being overpowered for the time being.

(2) We may suppose also that the agent under the influence of strong feeling and abnormal mental conditions has a *positive* consciousness or conviction that the act will not entail serious evil consequences on himself as ordinarily believed.

(3) Lastly, we may suppose that the agent has cognition of the evil consequences but the cognition fails to produce the feeling of aversion (*dveṣa*) which alone can act as a deterrent.

(v) Dinakara however does not accept any of the four alternatives discussed above. According to him the deterrent is neither the mere cognition of evil nor the simple feeling of aversion, but is either of these according to special circumstances. Hence in some cases the cognition is sufficient and in some again the feeling of aversion is required. But as primacy belongs to cognition as the causally determining factor, the absence of the deterrent as the negative condition of volition does not mean the mere absence of the affective factor of aversion but also the absence of the cause of the aversion, *viz.*, the cognition of evil. Hence the negative condition of volition is always the cognition of the absence of evil consequences (*ananubandhitvajñāna*) and not the mere absence of the *dveṣa* or aversion. It follows therefore that the absence of aversion (*dveṣābhāva*) without cognition of the absence of evil consequences will not suffice to cause volition even when the other conditions remain.

The five alternatives explained above represent the various ways in which volition can be regarded from the positive and negative standpoints. The implied hypotheses in the five alternatives are all tested by application to certain specific cases and the appeal is to the solemn testimony of a person who is asked to report what passes in his mind, *i.e.*, other people's introspection is used as objective material. It will be seen that the entire analysis is based primarily on the Nyāya conception of volition. The Nyāya recognises in all volition consciousness of some good to be attained which in its negative aspect means the absence of serious evil consequences marring the worth or value of the good aimed at. The Prābhākaras however do not recognise any consciousness of good as being necessarily implicated in volition.

Therefore the analysis of volition from the Prābhākara standpoint must differ essentially from that of the Nyāya which conceives willing as a pursuit of some good desired or aimed at. The "Dinakari" therefore next analyses the Prābhākara conception of volition discussing its bearings and implications particularly with reference to the question of freedom of will.

(5) In all volition according to Prābhākaras the psychological process is as follows :—

(i) In the first place, there is *svaviśeṣaṇavattāpratisandhāna*, i.e., the representation of certain *viśeṣaṇas* or specific determinations of the *pravartamāna puruṣa*, the acting agent ;

(ii) Secondly, there is *kāryatōjñāna* or cognition of something to be done.

(iii) Thirdly, there is *cikīrṣā* or desire which is a desire of things capable of being realised by the will—a desire which is itself characterised by the *consciousness* of power or competency with reference to the object to be realised or achieved by the will (*kṛtisādhyatvaparakārikākṛtisādhyakriyāvīṣayinīcchā*). Hence the desire is not merely about *objects* that are capable of realisation by the will but also implies *subjective* consciousness of such capacity or competency on the part of the acting agent.

(iv) Lastly, there is volition, *pravṛtti*, following on the desire—volition which completes the process.

It will be seen that the above analysis agrees with the Nyāya only in the last two steps. The first two however show an essential departure from the Nyāya view according to which the steps are :—

(1) Cognition of *kāryatā*, i.e., of duty with reference to something which is recognised as conducive to good without entailing serious evil consequences—*balavadaniṣṭānanubandhiṣṭasādhanatāvīṣayakakāryatōjñāna*.

(2) *Cikīrṣā*, desire.

(3) *Pravṛtti*, will.

Hence, according to Nyāya, the consciousness of good with its negative implicate is necessarily involved in all volition, but according to the Prābhākaras this is not a necessary condition of volition which requires only the representation of something as a specific determinant of the self but not necessarily consciousness of good. Thus the consciousness of good is present only in some actions, *i.e.*, in *kāmyakarma* or empirical actions from material motives of personal profit or gain. It is not present, however, in the performance of the unconditional duties (the *nityanaimittikakarmas*). This shows that volition is possible without the consciousness of good, *i.e.*, that the latter, where present, is only an inessential accompaniment rather than a necessary determining condition of the process of willing. In fact, the so-called consciousness of good in empirical actions is not itself the real determinant of the process of willing—it determines only as a mode or modalisation of the representation of the act as *svaviśeṣaṇa*, *i.e.*, as specifying the self. It is thus the representation of the act as appropriated by the self which is the real cause of volition, and in empirical action it further presents itself as conducive to the well-being of the agent.

But this is not the only point in respect of which the Prābhākaras differ from the Naiyāyikas. They also differ materially from the latter in their conception of the relation between the first and the second step in the process. Thus, according to the Prābhākaras, the relation between the first and the second step is that of establisher and established, *i.e.*, the representation of the act as a *viśeṣaṇa* or specific determinant of the self is the *cause* which *produces* or generates the *kāryatājñāna*, the consciousness that it is to be done. The Naiyāyika however *does not* recognise any causal relation between the consciousness of good and the cognition that it is to be done, the relation according to the Naiyāyika being a bare relation of sameness of object, the *viśaya*,

the object of the consciousness of good being also the *viṣaya*, the object of the consciousness of duty with reference to it. In other words, according to the Naiyāyika, there are not here two psychoses, one conditioning the other, but only one psychic compound with the two aspects of consciousness of good and the cognition of duty with reference to it.

N.B.—It is to be noted however that with the Naiyāyika also nothing is *iṣṭa*, desirable or good, except in relation to a subject. It is the subject of volition that determines his own values and therefore there is no question of mere mechanical determinism as may appear at first view. In fact, the Naiyāyika differs far less in this respect from the Prābhākaras than do the Cārvākas who believe only in mechanical attraction-repulsion of pleasure-pain. The Cārvāka view in this respect may be described as mechanical hedonism as distinguished from the self-deterministic hedonism of Nyāya which ascribes valuation to subjective freedom. The only important difference between the Prābhākaras and the Naiyāyikas in this respect relates to the fact that while the latter conceive this subjective determination as a *consciousness of good* in all volition, the Prābhākaras do not admit that this is always the case, volition being possible according to them without the act of self-determination taking the form of a specific consciousness of a good. What is essential, according to Prābhākaras, is subjective self-determination with reference to the act which appeals as *good* only in *kāmyakarmas* or empirical actions from material motives but which appears as Duty pure and simple in regard to *Nitya-naimittika karmas*, i.e., the non-empirical and unconditional obligations of the individual.

Hence the essential difference between Nyāya and Prābhākara consists first in the importance which Nyāya attaches to the consciousness of *good* and secondly with reference to the relation between the self-reference of the act and the

consciousness of duty with reference to it. For the Prābhākaras the latter relation, as we have seen, is a *niyāmaka* relation, i.e., a relation of establisher and established, the *svaviṣeṣanajñāna*, the cognition of the act as a specific determinant of the self, being the ground or cause of *kāryatājñāna*, of the cognition that it is to be done. In fact, according to the Prābhākaras, the cognition of duty follows from the representation of self-reference as consequence from ground or *hetu*, or as conclusion from premise (*Tasya svaviṣeṣanapratisandhānasya kāryatājñānaheturā lingajñānavidhayā*). Hence for the Prābhākaras we have here two distinct psychoses, one leading on to the other. For the Naiyāyikas however, the two cognitions, viz., the cognition of good (*iṣṭasāadhanatājñāna*) and the cognition of duty (*kāryatājñāna*) are held together in a complex, the object (*viśaya*) of the two cognitions being the same. In other words, according to Nyāya, that which is cognised as *iṣṭasādhana* or good is also cognised as *kārya*, the thing to be done, so that the link between the two steps, viz., the purely cognitive (the consciousness of *iṣṭa* or good) and the cognitive-conative (the cognition of duty with reference to it) is the simple one of community of *viśaya* or object, that which is the object of the value or *iṣṭasāadhanatā*-cognition being also the object of the duty or *kāryatā*-cognition. Hence for the Nyāya, though analysis reveals a distinction of aspects, yet there is only one psychosis with a dual nature—a cognitive and a conative one. For the Prābhākaras however there are here not two aspects of a single psychosis, but two psychoses, the link between them being that of establisher and established. As we have already noted, the Prābhākaras regard this relation as that of ground (*hetu*) and grounded, or premise and conclusion and they actually elaborate this into the form of an inference (*anumāna*) both in regard to *kāmyakarmas* or ordinary empirical actions as well as *nityanaimittikakarmas*, unconditional or non-empirical duties.

1. Let us first consider the case of ordinary empirical actions from material motives. Let us consider for example the act of cooking one's meal (*pākah*) which is an empirical action (*kāmyakarma*) implying desire (*kāmanā*) for some good to be attained. For the Prābhākaras such an act involves inference amongst the psychological antecedents or conditions which determine it. The inference involved is this :

The act of cooking is to be accomplished by my will or *kṛti*—*pākah matkṛtisādhyah*

In as much as

While the act is conducive to my good (*madiṣṭasādhana*), it is at the same time incapable of being accomplished except through my volition—*matkṛtimvinā asattve sati madiṣṭasā-dhanatvāt*.

The ground of the inference, it will be seen, is a specific determination of the self, *i.e.*, the determination of it by the act of cooking, which, in this case, takes the form of conduciveness to the agent's well-being, cooking being an ordinary *kāmya* or empirical action. It is this subjective appropriation of the act which presents itself as conducive to the agent's good that acts as the ground or reason of the subjective cognition that it is to be done or accomplished by my will. This latter cognition which is determined or produced by the subjective appropriation of the act that leads to *cikīrṣā* or desire and finally to *kṛti* or will. It is to be seen that the act is self-appropriated not merely as being conducive to the agent's good but also as one which is incapable of being realised except through the agent's will. This latter qualification is added to exclude performances beyond the agent's power such as *vṛṣṭi* or production of a rainfall and also similar results compassed by the volition of other persons such as *parakṛtapāka* or cooking done by others. In neither of these cases is there subjective self-appropriation though there is the consciousness of good, in the case of rainfall

because of the consciousness of impotency or helplessness and in the case of cooking by other persons because of the absence of the necessity of exerting oneself for the result which is being realised without the agent requiring to will it. It is also to be noted that the qualification of *madīṣṭa-sādhana* as conducive to my own good, is negatively significant as excluding *grāma*, i.e., the fatigue of the muscles, etc., involved in the act of cooking. These are not subjectively appropriated as objects of volition or things to be accomplished by one's *kṛti* or will even though they are incapable of being accomplished except through one's own volition. The reason is that they lack the quality of being conducive to the agent's good—a quality which distinguishes the act of cooking and thereby makes it to be subjectively appropriated.

Some point out that there is here neither inference as the Prābhākaras suppose nor any compounded consciousness of duty and good as the Naiyāyikas hold. Thus there is no compounding of the consciousness of duty (*kāryatā*) and conduciveness to good (*iṣṭusādhana*) into a unitary complex experience through the unity of the *viṣaya* or object as the Naiyāyikas suppose nor are there two psychoses, one establishing the other, as the Prābhākaras do. The *pravartaka* or motive is a simple psychosis which involves neither any inference nor any duality of nature, there being nothing more in it than the simple cognition that something is to be accomplished by my will. It is this *kṛtisādhya* or cognition of something to be established as *svecchādhina* or dependent on my pleasure or freedom which is the essential condition of volition. The motive is thus the consciousness of something to be accomplished by the agent's free will and is neither an effect of subjective self-appropriation as the Prābhākaras contend nor a component in a psychological compound as the Naiyāyikas urge. It is dependent on the agent's *svecchā* or undetermined will and

is thus neither an effect of self-determination through self-appropriation of the act as a *viçeṣaṇa* or qualification of the self nor an implicate or moment in the consciousness of *iṣṭa* or good. In other words, the motive is the cognition that something is to be done by me by my free will and this is independent alike of hedonistic considerations of good or advantage to self and of any representation of the act as *puruṣa-viçeṣaṇa* or self-qualification. It is purely *svecchādhīnā*, *i.e.*, does not depend on any other condition than the agent's free and undetermined will so that it is a mistake to try to deduce or infer it or further analyse it into simpler components. Motivation, in other words, means the indetermination of the agent expressing itself in the determination to accomplish a particular action—his absolute indetermination, *liberum arbitrium* or liberty of indifference as expressing itself in the cognition that something is to be accomplished by his will as freely willed. Hence there is here not merely the cognition that something is to be willed or accomplished but also that this willing is itself freely willed, *i.e.*, is dependent only on the agent's pleasure. There is thus a will to will, *i.e.*, pure will in which the agent expresses his freedom of indetermination by willing, *i.e.*, signifying his assent to, the accomplishment of the act by his will. The bare consciousness that something is to be accomplished by my will does not suffice to constitute the motive, there being also involved the fact that the accomplishment of the act as thus intellectually determined is itself freely willed, *i.e.*, is non-dependent on, or undetermined by, anything else than the freedom of the agent or subject. We may compare this with the pure will as conceived by Augustine—a will to will which he ascribes even to cognition as a will to know, *i.e.*, as the spontaneity of attention which is not resolvable into interest, intensity of stimulus or any other natural condition. It is, however, not to be conceived as blind spontaneity in so far as it involves the definite *cognition* that something is to be accomplished by the will as freely willed.

The Prābhākaras, however, urge that this indeterminism is itself a moment in their doctrine of self-determinism. They admit that the will to accomplish is itself freely willed, *i.e.*, depends on the agent's undetermined freedom, but they hold that this undetermined freedom is itself determined or established by a process of mediation through self-reference. Thus according to them also the cognition of duty implies *svecchādhīnakṛtisādhyatājñāna*, *i.e.*, the cognition of the will to will, but they contend that this freely willed will is itself established by a process of mediation through self-appropriation or self-reference. In other words, there is inference involved in the process of motivation even though the motive is *svecchādhīnakṛtisādhyatājñāna*, *i.e.*, cognition of duty as freely willed. This cognition of freely-willed duty is itself the *sādhyā*, the object established, so that the *anumāna*, or inference is a process of self-mediation through which freedom, instead of being arbitrarily posited, posits or establishes itself through itself in this inferential form. Thus the inference is as follows :—

Conclusion :

The act of cooking is to be accomplished by my free will—

(*pākaḥ svecchādhīnamatkṛtisādhyah*)

Ground :

In as much as

It is incapable of being accomplished except through my free will—

(*svecchādhīnamatkṛtim vinā asattve sati*)

And is at the same time characterised by conduciveness to my good (*madīṣṭasādhanatvāt*).

Hence the process is one in which freedom mediates itself through itself, freedom being involved in the ground (*hetu*) and involved in the established consequence or conclusion (*sādhyā*). Freedom thus establishes itself through itself

there being indetermination alike in the will which is cognised to be indispensable for the accomplishment of the act and in the will to accomplish it which follows as a consequence from this cognition. But this self-mediation of freedom is not pure indeterminism but self-determinism in so far as it implies an act of self-reference or self-appropriation in the form of representation of the act as a specific determination (*viṣeṣaṇa*) of the self. Thus the process according to the Prābhākaras is as follows:—

(1) There is *svaviṣeṣaṇavattāpratisandhāna* or representation of something as *svaviṣeṣaṇa* or qualification of the self.

(2) This something which is represented as a qualification of the self is also cognised as incapable of being accomplished except through my free will.

(3) This conscious self-appropriation of what is thus cognised as depending on my free will leads to the cognition that it is to be accomplished by my free will.

II. We have so far considered the nature of the *anumāna* or inference involved in the case of an empirical action (*kāmyakarma*) such as cooking the meal. We shall now consider it in the case of the *nitya* or unconditional duties such as *sandhyā* or daily prayer.

We have seen that in empirical actions the consciousness of duty (*kṛtisādhyatājñāna*) implies the consciousness of good (*iṣṭasāadhanatā*) as a condition. But the latter produces the former only as *puruṣaviṣeṣaṇa* or a specific qualification of the self. Hence it is this self-qualification or representation of the act as specifying the self which is the essential condition of the consciousness of duty, though in empirical actions such self-qualification takes place in connection with the consciousness of an anticipated good. In the case of the unconditional or *nitya* duty, however, the self-qualification is not mediated through any such hedonistic calculations of advantage or profit to self: so that the

consciousness of duty or *kāryatājñāna* follows immediately on the consciousness of it—the bare cognition of the injunction necessarily inducing the representation of it as a self-qualification or *puruṣaviśeṣaṇa*. Hence the inferential process which establishes the *kāryatājñāna* or cognition of duty is independent of any reference to any extraneous end such as is involved in an ordinary empirical action. The inference involved in the case of a *nitya* or unconditional duty such as daily prayer (*sandhyā*) is as follows—

Conclusion.

I am now to (or under obligation to) offer my daily prayer—*aham idānīntanakṛtisādhyasandhyāvandanah*.

Ground.

Because belonging to the twice-born caste, I am qualified by the enjoined ablutions, etc., of morning and evening—*dvijātitre sati vihitasandhyākālīnaṣaucādimattvāt*.

Hence the steps in the inference are :—

(1) *Vidhi*, *Preraṇā* or command embodied in the scriptural imperative as revealing (*jñāpaka*) the enjoined ablutions and the like (*vihiṭaṣaucādi*).

(2) The representation of these enjoined ablutions, etc., of scripture as a qualification (*viśeṣaṇa*) of the self—the representation which arises from the consciousness of the injunctions revealed.

(3) *Kṛtisādhyatājñāna* or the cognition that the duties enjoined are to be accomplished by me, a cognition which results from the consciousness of the duties as qualifying or specifying the self.

In other words, the scriptural Imperative or *Vidhi* reveals the particular acts (ablutions, etc.), as obligatory on the agent in consequence of which they are subjectively appropriated by the individual as determinations (*viśeṣaṇa*'s) of the self and this self-determination or self-qualification leads

to the cognition that they are to be accomplished by the agent's will.

It is to be noted that the command in this particular instance relates to a particular time, *i.e.*, to the sensible present (*idānīntana*) as experienced by the individual. Hence the resulting cognition of duty or *kṛtisādhyatājñāna* is also relative to this particular time, *i.e.*, the cognition that it is to be accomplished is not a purely general consciousness that it is to be done at any time according to convenience but a specific cognition that it is to be accomplished *now*, *i.e.*, within the felt present as experienced by the agent through his mental continuum which is in time.

Against this view of the Prābhākaras the Naiyāyikas urge: how can time be a qualification of the *puruṣa* or individual (*kālasya katham puruṣaviṣeṣanatvam*)? One may concede ablutions (*ṣauca*), etc., to qualify the individual (*puruṣaviṣeṣaṇa*) through their effects of cleanliness and the like, but it is difficult to conceive how the appointed time, *viz.*, the sensible present (*idānīntana*) can also similarly qualify the individual.

The Prābhākaras answer: *puruṣa's jīvana*, *i.e.*, the mental continuum of the individual, is in time and the individual is related to time through his mental continuum. (1) *Svavṛtti-jīvanavattvasambandhena tasya (kālsya) puruṣaviṣeṣanatvāt*, (2) *vihitakāla-jīvitvādervā*. In other words, in the case of the unconditional duties such as the morning or evening prayers, what qualify the individual are not merely the enjoined ablutions, etc. (*Sandhyādi*) but also the appointed time (*vihitakāla*), or rather the ablutions, etc., and *puruṣa's* experience as enduring in the time appointed (*vihitakāla-jīvitva*). Thus though time considered objectively may not be a qualification of the individual, it certainly determines the individual in so far as the latter endures in time. The individual as enduring in time is thus related to order in time and his experience as enduring in the appointed

time (*vihitakāla*) is also an experience of the time in which it endures. In this way he becomes conscious of the appointed time through being qualified by it through his life-continuum which endures in time. His life-continuum as enduring in time constitutes in other words the sensory basis of localisation in a time-scale and time-order.

Another objection which is raised in regard to the Prabhākara inference is: how can the act (ablutions, etc.) which is objective be *puruṣaviśeṣanavat*, i.e., become determined as a *viśeṣaṇa* or qualification of the individual (*puruṣa*)? How is it possible, in other words, for an objective act to appropriate to itself the character or form of being a *subjective* determination or qualification of the individual? The Naiyāyika here objects: the acts (empirical such as cooking or non-empirical such as prayer) may possess *iṣṭi sādhanatā* or conduciveness to the agent's well-being as a mark from which one may infer that they are *kṛtisādhya* or to be accomplished by oneself, but they can in no wise be qualifications of the self (*svaviśeṣanavat*). Some acts may be specially fitted to certain results there being *yogyatā* or suitability in certain acts for certain results. In this sense we may speak of an inherent *iṣṭasādhanatā* in certain acts, i.e., an inherent capacity to produce certain desired results. Thus we may speak of an inherent conduciveness to a desired result or good in the acts of cooking, rituals and sacrifice, and the like—an *iṣṭasādhanatva*—or conduciveness to a good being *yāgapākaniṣṭha*, severally qualifying or being inherent in *yāga*, religious sacrifice and *pāka* (cooking). It is, however, absurd to conceive of these objective acts as thereby becoming *puruṣaviśeṣanavat*, i.e., becoming determined as qualifications of the individual or appropriating to themselves the character of being subjective determinations of the agent.

It may be argued what qualifies the individual is not the act as such which is objective but the *icchā* or desire which is induced by the act. This desire is certainly a qualification

of the self even if the mere act is not, and it is this desire as qualifying the self that serves as the mark (*linga*) from which results or follows the cognition that it is to be done. The Nyāya objection to this is : there is no *vyāpti* or invariable connection between *icchā*, desire and *yāgādikriyā* or particular acts such as rituals and sacrifices. Hence we cannot suppose that these acts will necessarily induce desire, *icchā*, in the agent. Moreover even though there were invariable connection between such acts and the desire to accomplish them so that the desire might be treated as a mark or sign of the acts in question, yet such desire might be mere blind impulse and thus would not account for the element of cognition (*jñāna*) in the cognition of duty (*kāryatājñāna*) which is supposed to result from it. In other words, there is neither any necessary connection between the acts objectively considered and any conative impulse in the individual nor any proof that such impulse, even if there be any such necessary connection, is an intelligent impulse or desire implying the cognition that it is to be accomplished by the agent's will.

In reply to all this the Prābhākaras point out: when we say that the act to be accomplished is *svaviṣeṣaṇavat*, i.e., determined as a *viṣeṣaṇa* or qualification of the self, all that we mean is that there is either a cognition of the qualification (*tajjñāna*, *viṣeṣaṇajñāna*) or 'a cognition of relationship with the qualification (*tatsambandhajñāna*, *viṣeṣaṇasambandhajñāna*). In other words, self-qualification means either the cognition of the act as a qualification of the self or the cognition of it as being connected with such a qualification. There is nothing objectionable or paradoxical in this as the Naiyāyikas themselves conceive of the *viṣaya* or object as qualifying the subject in one or other of these senses. Thus they speak of *kāmyasāadhanatā* or conduoviveness to the agent's desire, in the *viṣaya* or external object. Here, therefore, they admit something in the object which has a subjective signification or meaning.

How is this subjective signification in the object to be conceived? How are we to conceive of the object as being characterised by conduciveness to the subject's desire or want? It must be by conceiving the *kāmya*, *kāmanāviṣaya* or object of desire as being determined or conditioned either by a cognition of the want or desire (*kāmanāñjñāna*) or by a cognition of intimate connection with the want or desire (*kāmaāsambandhajñāna*).^{*} As the Naiyāyikas thus admit a subjective determination in the desired object in the form either of a cognition of the desire as constituting it or a cognition of essential relationship with the desire, so likewise do the Prābhākaras conceive of the objective acts as becoming determined as qualifications of the self through the cognition either of these qualifications or of relationship with these qualifications as conditioning the acts. In fact, it is hardly consistent for a Naiyāyika to quarrel with a Prābhākara on a point like this. Both accept self-determinism and therefore for both alike the Purusha or individual is himself the conditioning or determining factor in volition. The only difference arises from the way in which the Naiyāyika would conceive the form of this self-determination which according to him is always a form of hedonistic valuation—*i.e.*, a form in which the act is cognised as conducive to the agent's good. But even for the Naiyāyika the acts themselves (cooking, etc.) considered objectively are external goods being suited for certain results and without any effect on the agent's consciousness till they are subjectively self-determined as worth striving for or deserving conscious realisation by will. They are not *antarbhūta*, internalised, internally or subjectively appropriated, till there is this subjective valuation and selection, *i.e.*, subjective self-determination with reference to them. The self thus must determine its own values for itself even according to the Naiyāyika and it is through the *sambandhajñāna*, cognition of relationship with itself, that it thus determines the merely external good or object as a good for itself. *Vastutaḥ*

Tadvattājñānam tatsambandhajñānam tajjñānameva vā na tu packsho'āpi tatrāntarbhūta iti kāmyasāadhanatājñānasyāpi kāmanāsambandhajñānātmakatayā kāmanājñānātmakatayā vā anupapatyabhāvāt.

Hence the essential difference between the Prābhākaras and the Naiyāyikas is not in regard to the question of self-reference and self-determination so much as in regard to the form of this self-reference which with the Naiyāyika is always a form of hedonistic valuation. Further according to the Naiyāyika as *icchā* or desire may exist *svarupatah*, i.e., as mere conscious desire without being self-conscious or involving consciousness of the self as desiring, the *sambandhajñāna* or cognition of relationship through which the external good is subjectively appropriated is the self's cognition of the *object as good* and not necessarily a distinct consciousness of the self whose good it is. In other words, according to Nyāya, the object may be self-appropriated as good to itself without any distinct consciousness of the self to which it is cognised as a good, such self-consciousness being distinct only in special cases and being ordinarily absent. For the Prābhākaras, however, there is no self-appropriation without definite self-reference and thus all desire is self-conscious involving a clear consciousness not merely of the act to be accomplished but also of the self as qualified by the act.

6. In the previous section we have considered the various conceptions of the relation of *kāryatājñāna* or cognition of duty to the other conditions of volition. Thus far we have considered three different forms of this relation—the Nyāya and the Prābhākara forms as well as a form of indeterminism which differs from both.

(i) According to the Nyāya the cognition of duty (*kāryatājñāna*) is a component in a psychological compound involving the cognition of good (*iṣṭasāadhanatājñāna*) as its other constituent.

(ii) According to the Prābhākaras—the cognition of duty is a distinct psychosis which is *established or produced* by the

representation of the act as specifying the self. Hence there is inference involved in the process of arriving at the cognition of duty, the cognition following as a consequence from the representation of the act as self-appropriated.

(iii) According to others, however, there is here neither any psychological compound nor any inference. The cognition of duty is simply the cognition that it is to be accomplished by my will as depending on my *svecchā* or freedom—*svecchādhīnakṛtisādhyatājñānameva kāryatājñānam*. This is indeterminism, the will through which the act is cognised as a duty to be accomplished being also cognised as undetermined or as depending purely on the agent's freedom.

Some, however, consider this indetermination to be itself mediated. Thus they put this indeterminism in the form of an inference or *anumāna* as follows :—

(iv) Take the act of cooking (*pāka*) for instance. The inference may be stated as follows :—

Conclusion.

The act of cooking is to be accomplished by my free will—*pākah svecchādhīnamatkṛtisādhyah*.

Ground.

Because being distinct from mere exertion or effort such as the exercise of the muscles it is at the same time incapable of being accomplished except through my free will—*grāmā-dibhinnatve sati svecchādhīnamatkṛtim vinā asattvāt*.

Or again thus :—

Conclusion.

The act of cooking is to be accomplished by my free will—*pākah svecchādhīnamatkṛtisādhyah*.

Ground.

Because being distinct from exertion as such, it is at the same time that which is non-existent in the absence of my

willing it—*çramādibhinnatve sati matkrtiyo yatirekaprayukta-vyatirekapratiyogitvāt*.

Here there is no *svaviçeṣaṇavattva* or self-reference as a condition. Hence it is indeterminism rather than self-determinism, though it is not unmediated indeterminism as in the third form explained above, but a species of self-mediated indeterminism in which freedom realises itself through itself *in vacuo* as it were independently of any specific determination by the self. Thus the act of cooking is *asat*, unreal or non-existent, but possible, and the step here is from possibility to actualisation, the transformation being accomplished by the will as dependent on the agent's freedom (*svecchādhīnamatkrti*). There is no self-appropriation of the act either through any hedonistic calculations of advantage or profit or through any pure representations of it as a self-qualification. Hence sheer exertion (*çrama*) has to be excluded to limit the sphere of the choice; the value-cognition (*iṣṭasādhana-tājñāna*) being omitted from the conditions of the willing, the sphere of volition has to be definitely limited so as to exclude all mere *çrama* or exertion—willing for the sake of the effort of willing. The willing must have an object other than itself, *i.e.*, must be defined by being limited to something objective and external to itself.

The Prābhākaras and the Naiyāyikas both reject this form. According to them there must be either cognition of self-reference (*svaviçeṣaṇatājñāna*) or cognition of good (*iṣṭasādhana-tājñāna*) in the motive. An action which is neither cognised as good or advantageous nor represented as a self-qualification, can have no impelling force. In fact the above process is a pseudo-process simulating a ground where there is none. Thus my ungrounded freedom (*svecchā*) becomes the *hetu*, ground, or reason, of the act being willed. But how can the groundless be itself a ground? As a matter of fact there is here a specific ground surreptitiously introduced while keeping up the appearance of indetermination or

groundlessness. For the ground (*hetu*) which is *svacādhinamatkṛti*, i.e., my will as purely dependent on my wish or pleasure, contains *icchā*, or wish as an element. There is thus an antecedent *icchā*, wish or will in the *hetu* or ground. How is this wish or will to be understood? It may be a desire for pleasure (*sukha*) or for absence of pain (*duḥkhābhāva*) or may be pure desire implying nothing but self-reference or *svaviśeṣaṇa*. Thus in any case we cannot avoid either self-reference (*svaviśeṣaṇatājñāna*) or a cognition of good (*iṣṭasāadhanatājñāna*).

(v) There is yet another form in which *kṛtisādhyatājñāna* or cognition of duty is conceived in its relation to the other conditions of volition—a form which Gāgā Bhaṭṭa notices in the “Bhaṭṭachintāmaṇi.” In this form *kṛtisādhyatājñāna* or cognition of duty is conceived to produce *pravṛtti*, volition, only as subject to *iṣṭasāadhanatājñāna* or cognition of good. In other words the relation of the duty-cognition (*kṛtisādhyatā*) to the value-cognition (*iṣṭasāadhanatā*) is not merely that of community of *viśaya*, or object, the act which is the object or *viśaya* of the one being also the object of the other as conceived in the ordinary Nyāya analysis. There is besides a relation of dependence or subordination—a relation which makes the cognition of duty dependent on or subject to the cognition of value. This view is thus a compromise between the Prābhākara and Nyāya views recognising as it does a relation of dependence without admitting any inferential process or any numerical distinctness of psychoses. *Kechittu idānīntanamatkṛtisādhyatājñānam hetuḥ, tat cha idānīntanamadiṣṭasāadhanatājñānādḥīnam iti tadabhāvāt na pravṛtṭih ityāhuḥ.*

The objection to such a view is: even in the absence of the volition that should follow as an effect, there may be such cognition of subjective capacity or competency in the form, ‘if it be willed by me the desired result will surely be realised.’ In other words, such cognition of subjective competency

being existent and yet volition being non-existent, the former cannot be the ground of volition. *Tadanukūlakṛtyabhāve api yadi mayā kriyate tadā idam bharisyati iti etādṛcakṛtisādhyatājñānasya tadānīmapi attvāt* ("Bhātṭachintāmani"). (It is to be noted, however, that in this objection *kṛtisādhyatājñāna* is not interpreted as the cognition that the act is to be accomplished but merely as the cognition that it is capable of being accomplished if I will it. The force of the objection being derived entirely from this interpretation, it is hardly a valid one when it can be easily perceived that the propounders of the view understood *kṛtisādhyatājñāna* only in the first sense).

Note on Iṣṭa in Iṣṭasāadhanatā.

What is it that constitutes the desired object (*iṣṭa*) an object of desire? What is it that constitutes its worth or value as an object of desire? What is the good the cognition of which is a condition or cause of desire? We have already discussed the question partially in course of the previous exposition. We shall now conclude by comparing the Chārvāka and the Nyāya views on this question of the nature of the good. We omit the Prābhākaras for the obvious reason that the good is not, according to them, essential to the volitional process.

For the Chārvāka the good is either *sukha* or *duḥkhābhāva*. By *sukha* the Chārvākas mean empirical pleasure, particularly the pleasure of the senses and the body. They believe neither in spiritual, non-sensuous pleasure nor in any Transcendental Bliss or Ānanda such as the Vedāntists conceive. Similarly *duḥkhābhāva* signifies for the Chārvākas freedom from bodily suffering. Of course the Chārvākas do not believe in the possibility of unmixed pleasures in life. Pleasures are mixed up with pain, but this does not make them worthless. On the contrary pleasures are to be sought as being the only possible good in life and the highest good consists in the enjoyment of the maximum of pleasure with

the suffering of a minimum of unavoidable pain. The highest good consists thus in a maximum of pleasure with a minimum of pain and all relative good consists in a balance of pleasure over pain just as all relative evil consists in the opposite. Hence for the Chārvākas all actions are empirical being the resultant of the two forces of the attraction of pleasure and repulsion of pain and the highest good does not differ in kind or quality but only in degree from relative and empirical good.

According to the Naiyāyikas, however, there is a difference in kind or quality between empirical actions prompted by attraction (*rāga*) and aversion (*dveṣa*) and the non-empirical impulse towards the highest good which is *Mokṣa* or the Freedom of the Life Absolute and Transcendental. Thus in empirical actions the object of volition is either *sukhaprāpti*, attainment of happiness, or *duḥkha-parihāra*, the avoidance of suffering. Hence such actions depend on or presuppose the attraction of pleasure (*rāga*) and the repulsion of pain (*dveṣa*). Hence they are not *free* actions in the true sense of the term because swayed by the two forces of attraction and aversion and thus cannot ensure the condition of Absolute Freedom of the *Mokṣa* state which is the highest good. As a matter of fact happiness cannot be the highest good because it is always mixed up with pain. Nor can the avoidance of pain under the influence of *dveṣa*, aversion or repulsion, be such a good, because aversion itself is of the nature of pain or unhappiness and therefore there can never be absolute and complete cessation of pain under its influence. Further if a man were to be actuated by calculations of eternal happiness (*nityasukha*) he would never attain the Freedom of the *Mokṣa* state—his very motive to realise it for the sake of the possible happiness will be a source of bondage, for attraction (*rāga*) is the prius in consciousness of the state of bondage. It is true that *dveṣa*, aversion, as a motive to *mukti* or liberation will equally bind

(*dveṣasya bandhanasamājñānāt*), but *dukkhadveṣa*, aversion to suffering, is not a necessary condition for *dukkha-parihāra* or realisation of freedom from suffering. Such *dveṣa* or aversion is the determining condition of empirical actions which seek relative and not absolute freedom from pain, but it has nothing to do with the Transcendental Impulse towards absolute and complete freedom from suffering. Such impulse does not imply *dveṣa* or aversion which is itself a form of suffering, nor does it imply *rāga*, attraction, inasmuch as the absolute freedom from suffering which it aims at is not anything positive so as to be *anukūla* or positively favourable to the self. In fact this absolute freedom can be conceived only as *apratikūla* or not unfavourable and therefore cannot either attract or repel as do ordinary empirical objects of desire. It follows therefore that there are two kinds of objects of desire or *iṣṭa*, (1) those that are relative and empirical implying attraction (*rāga*) and aversion (*dveṣa*) in the agent, (2) that which is absolute and non-empirical and the desire for which is pure and not pathological. It is to be seen also that the relative goods fall into the two classes of (1) *positive* empirical pleasure which is relative, and (2) relative and partial cessation of pain.

As regards these empirical pleasures it may be noted that they are recognised to differ not merely in degree but also in kind. Thus Gangesh as well as Mathurānātha (author of "Māthurī") both refer to *vaijātya*, i.e., specific differences of quality, in the different kinds of *svargasukha*, happiness in heaven, promised as the reward of different religious sacrifices or *yajñas*, the alternative supposition being that these *sukhas*, amounts of happiness, differ from one another not qualitatively, but only quantitatively, either in respect of duration or of number (*samkhyā*).

ECONOMIC POLICY AND FUNCTIONS OF THE KAUTĪLIYAN STATE.

(With special reference to the Agents of Production.)

BY

HEMCHANDRA RAY.

CHAPTER I

FOREWORD

In recent years it has become a fashion to see modern things in the life of Ancient India. In certain quarters attempts have been made to show that the Parliaments and Democracies of the present day and even some of the greatest triumphs of modern science such as the Railways and the Aeroplanes had been anticipated by our Vedic forefathers. But while this frame of mind is deeply to be regretted, it cannot be denied that the civilisation of ancient India at certain periods of her history had really reached a high order of development. Such a period is the one which is reflected in the *Arthasāstra* of Kautilya. This work has been referred by many eminent Indologists to the Maurya period, when India reached almost the acme of her greatness in more than one direction. The flood of imperialism which was gathering strength under the Nāgas and the Nandas had at last reached its high-water mark. India for the first time in her history was united under a stable government. The needs of administering such a vast empire must have required a very complicated governmental machinery, a study of which cannot fail to interest students of Indology. The importance of the

study of Kauṭilya's *Arthaśāstra* which depicts this machinery cannot therefore be overrated.¹

It has been asserted by one authority that in ancient India "A policy of non-interference was recognised as the ideal policy of the state, the functions of which were ordinarily restricted to 'the irreducible minimum,' viz., the protection of life and property and realisation of revenue for the proper execution of that duty."² In short ancient Indian states were so many *police-states*. I wish it were possible to agree to this view but it is hardly consistent with the facts supplied by Kauṭilya. The ideal of state, depicted by him is far from one of *laissez faire* and the functions of such a state do not consist simply in protecting the personal freedom and property of the individual. In the incessant struggle with nature, misery, weakness and poverty the individual is not left to himself. On the contrary the state actively interferes in nearly every sphere of life, political, social and economic. The policy thus recommended in the *Kauṭilya* seems to contain some elements of modern State-Socialism or the Socialism of the Chair which have so profoundly affected the legislation of Europe in the last twenty-five years. In this thesis I shall restrict myself in the main to describing that aspect of the *Kauṭilyan* state which seems to bear a State-Socialistic character. But before we enter into this subject it will be better if the meaning and scope of State-Socialism are first thoroughly understood.

State-Socialism was practically born in Germany in the last quarter of the 19th Century with the social legislation of Prince Bismarck. Since then the ideas underlying State-Socialism have met with consistent support there, and State-Socialism has been described to be the soul of the

¹ For a discussion of the date of Kauṭilya's *Arthaśāstra* and up to date references see my *Date of the Kauṭilya* in the *Indian Antiquary*, September and October, 1925.

² Mookerjee, *Local Government in Ancient India*, Oxford, 1919, p. 3.

imperial legislation of that country.¹ It is well known that while Individualism wants to restrict the functions of the state as much as possible, Socialism enlarges them; in fact the Individualist would do everything without the state, the Socialist would do everything with it. State-Socialism is the mean between these two extremes of thought. But the great disagreement between Socialism and State-Socialism is that while many Socialists would entirely subvert the state, the latter accepts its political form as it is. State-Socialists for example will not object to a monarchical or oligarchical form of government and thus we find a State-Socialist like Schmoller expressing the conviction that 'a firm monarchy is a great blessing for a country when it is bound up with traditions like those of the Prussian monarchy which recognises its duties.'² State-Socialism thus aims at correcting the wrongs and advancing the interests of the masses by economic measures but does not deem it necessary to change radically the political constitution of the state.'³ What the economic measures are which the state must undertake according to the advocates of the State-Socialism will become clear if we analyse the theoretical scheme of Prof. Adolf Wagner, the scientific leader, and the most radical member, of the Professorial Socialists. We give below a very brief summary of the leading ideas of this scheme. He urges ⁴

(a) Unconditional possession by the state of the forests both for climatic and fiscal reasons ;

(b) Control of agricultural land and encouragement to peasant proprietors and discouragement of the accumulation of land in few hands ;

(c) State ownership and control of urban lands ;

¹ W. H. Dawson, *Bismarck and State-Socialism*, p. 13.

² *Ibid*, pp. 2-3.

³ Richard T. Ely, *Socialism and Social Reform*, p. 30.

⁴ *Bismarck and State-Socialism*, pp. 10-12 ; Appendix A, pp. 156-58.

(d) State control and ownership of the means of communication ;

(e) Collective possession of mines in cases where the minerals are directly usable, such as coal, salt, etc. ;

(f) State-participation in production, for fiscal and other purposes, in domains, which the individualists would carefully reserve for private enterprise ;

(g) Industrial legislation to protect and ameliorate the condition of labour, such as accident-insurance, old age pension, etc.

In short the state control of land and capital, labour and industries, nationalisation of mines, state-ownership and management of industries, provision of subsistence by the state for those who cannot make a living, and of labour for those who are out of employment are some of the more important points of State-Socialism. But it should be noted that Socialism is a protest against modern capitalistic production. Full-fledged Socialism could not therefore arise in ancient India where capitalism was not the predominant type of industrial organisation.¹ In the following pages an attempt will be made to draw the attention of the scholars to some of these Socialistic ideas which appear to be contained in the *Arthaśāstra* in order that they may receive a careful and impartial consideration as no doubt the importance of the subject demands.

¹ The terms *Socialism* and *State-Socialism* have been understood in widely different senses. Thus in the opinion of some modern authorities Prince Bismarck was not a Socialist at all. He held merely a more or less Socialistic view of the functions of state. His *State-Socialism* was nothing more than *State-Capitalism*. See *Rao's Contemporary-Socialism*, pp. 14-15. Also *Industrial Ideals*, by Victor Gollancz, pp. 19-24.

CHAPTER II

Land being the most important agent of production we shall take it first and try to analyse the policy of the state in the *Kauṭīliya* with regard to it. Land here we shall take to mean not only agricultural land but as economists understand it, *i.e.*, all the materials and forces which nature gives freely for man's use in land and water, in air and light and heat.¹

In the *Kauṭīliya* we find the state actively participating in the formation of new colonies, *i.e.*, of villages and towns from the thickly populated centres of the country (*svadeśābhiṣyandava-manena*)² or by inducing foreigners to immigrate (*paradeśāpavāhanena*). The agricultural lands in these new settlements were owned by the state and disposed of in three different manners. These lands were allotted to taxpayers (*karada*) only for life (*ekapuruṣikāṇi*). A strict control was kept over these landholders and their lands were liable to be confiscated and given to others if they failed to cultivate them properly³; but in cases of good cultivation they were provided with grains, cattle and money. These lands were also sometimes cultivated by the village menials of the

Unless otherwise mentioned all references are from the 2nd edition of the Sanskrit text, and the translation is by Dr. R. Shamasastry (1st ed.).

¹ Marshall, *Principles of Economics*, Seventh Edition, p. 138.

² *Kaut.* (2nd ed.), p. 45. *Ibid*, *loc. cit.* It is interesting in this connection to note that the Government of New Zealand, the most Socialistic of all the British Dominions, has recently inaugurated the formation of village settlements to assist the solution of the labour problem and to give employment to the unemployed. *Socialism and Social Reform*, by Richard Ely, p. 305.

³ According to Prof. Goyajee on this point Kauṭīliya holds more advanced views than even Lloyd George. See *Bengal Economic Journal*, January, 1917, p. 240.

state (*grāmabhṛtakas*¹) or leased out to traders (*vaidehakas*). What control the state had on lands other than these we do not know positively. But in this connection it might be interesting to note a couplet quoted by Bhaṭṭasvāmin the commentator of Kauṭilya. It is of far-reaching political significance and runs as follows :—

*Rājā bhūmeḥ patirdr̥ṣṭaḥ śāstrajñairūdakasya ca
tābhyāmanyatra yaddravyaṃ tatra svāmyaṃ kuṭumvinām*²

‘Those who are well versed in the *śāstras* admit that the king is the owner of both land and water and that the people can exercise their right of ownership over all other things excepting these two’ (Kaut. Trans., p. 144 n).

As regards mines the idea of Kauṭilya is,

*Evam mūlyam vibhāgam ca vyājim parighamatyayam
śulkaṃ vaidharanam daṇḍam rūpaṃ rūpikameva ca
Khanibhyo dvādaśavidhaṃ dhātum paṇyam ca samharet
evam sarveṣu paṇyeṣu sthāpayen mukhasaṅgraham*³

The above verses clearly show that “ the Government shall keep as a state monopoly both mining and commerce (in minerals).”

With this general statement the author further suggests that such mines which can be worked without much outlay, shall be directly exploited by Government agency, while all those which require larger outlay to work may be leased out for a fixed proportionate share of the output or for a fixed rent.⁴ Evidently the mines were worked in three different ways, *viz.*, those that were directly worked by the state, those that were worked by the joint co-operation of the state

¹ *Grāmabhṛtakas* is translated by Dr. R. Shamasastri as “village labourers” at p. 52 of his Eng. Trans. But on p. 309 in the chapter concerning “Subsistence to Government servants” (*bhṛtyabharaṇīyam*) the pay of a *grāmabhṛtaka* is laid down as 500 *paṇas* (*pañcaśata*). From this it seems more probable that they were servants of the state.

² *Some Notes on the Adhyakṣapracāra*, by I. J. Sorabji, p. 55.

³ P. 85, Trans., p. 100.

⁴ P. 84, Trans., p. 97.

and other private companies and thirdly, those which were worked purely by private enterprise. But though the working was different the ownership of the mines was unquestionably vested in the state alone. Any person carrying on mining operations without government license was "bound with chains and caused to work as a prisoner."¹

The State in the *Kautiliya* also exercised its right of ownership (*svāmyam*) with regard to fishing, ferrying and vegetables in all lakes and reservoirs :—

Matsyaplavaharitamanyānām setuṣu rājā svāmyam gacchet.

"The king shall exercise his right of ownership with regard to fishing, ferrying and trading in vegetables in reservoirs or lakes."² The forests of the country also clearly seem to be owned and controlled by the Government. There is a chapter in the *Kautiliya* entitled *Kūpyādhyakṣa*, even a cursory study of which leads to this conclusion.³

Thus we see that in its "land policy" the state of Kautilya follows a distinctly socialistic programme owning all the most important gifts of nature such as agricultural land at least in the new *janapadas*, the mines and the forests. About the agricultural lands other than those in the newly colonised portions of the country Kautilya makes no definite statement. It is probable as I have remarked, that private ownership might have prevailed in them, the state not being willing to disturb the vested interests there. The commentary quoted is of uncertain date and allows us to draw no sure conclusions. But we should here take notice of the statement of Megasthenes⁴ that 'all India is the property of the crown and no private person is permitted to own land.'

¹ P. 83, Trans., p. 97.

² P. 47, Trans., p. 53.

³ P. 99, Trans., p. 121.

⁴ *Ancient India as described by Megasthenes and Arrian.* Trans. by McCrindle, p. 42.

Diodoros also makes a similar statement.¹ He says 'The ryots pay the king a land rent, because all the land in India is the property of the crown and no private person can own land.' These statements of the classical authors seem to agree with that of the commentator *Bhaṭṭasvāmin* and appear to be in general harmony with the facts supplied by *Kauṭīliya*.

We shall now turn our attention to production and manufacture. Let us in the first place see whether the state of *Kauṭīliya* viewed agriculture at all in its industrial aspect and what part if any, it played in its development. The Government in the *Kauṭīliya* owned various industries and managed them by the creation of different *Adhyakṣas* or Superintendents as Dr. R. Shamasastry translates the word. Thus we have got the *Sītādhyakṣa* or the Superintendent of Agriculture. Over and above his general duties of supervision of agriculture, irrigation and manuring in all parts of the country, he had the special duty of cultivating the state-owned agricultural lands "by the employment of slaves, labourers and prisoners." The machinery and livestock necessary were also owned and supplied by the state.

*Bāhuhalaparikṣṭāyām svabhūmau dāsakarmakaraḍaṇḍa-pratīkarṭṛbhīrvāpayet. Karṣaṇayantrapakaraṇa*balīvardaiścai-śāmasaṅgam kārāyet. Kārubhiśca karmārakutṭākāmedakaraḥ-juvartakasarvagrā hādibhiśca. Teṣāṃ karmaphalavinipāte tatphalahānam dāḍaḥ.*

"He shall employ slaves, labourers and prisoners (*daṇḍa-pratīkarṭṛ*) to sow the seeds on crown lands which have been often and satisfactorily ploughed. The work of the above men shall not suffer on account of any want of ploughs (*karṣaṇayantara*) or other necessary instruments or of bullocks. Nor shall there be any delay in procuring to them the

¹ *Ancient India as described by Classical Literature*. Trans. by McCrindle, p. 48n. See also p. 48 where Strabo says 'the whole land belongs to the crown and the husbandmen till it on condition of receiving as wages one-fourth of the produce.'

assistance of blacksmiths, carpenters, borers (*medaka*), rope-makers as well as those who catch snakes and similar persons. Any loss due to the above persons shall be punished with a fine equal to the loss.”¹

The manufacture of metals and other mine produce was under the charge of several *Adhyakṣas*. The *Lohadhyakṣa* or the Superintendent of metals was entrusted with :—

Tāmrasīsatrāpuvaiḥkrntakāraḥkūṭavṛttakāmsatālalodhrakar-māntān kārayet. Lohabhāṇḍa vyavahāraṁ ca.

“The Superintendent of metals shall carry on the manufacture of copper, lead, tin, *vaiḥkrntaka* [mercury (?)], *āraḥkūṭa* (brass), *vṛtta*(?); *kāmsa* (bronze or bell-metal), *tāla* (sulphurate of arsenic), and *lodhra* (?) and also of commodities (*bhāṇḍa*) from them.”²

The duty of the *Khanyadhyakṣa* (Superintendent of Ocean mines) was :—

Sanḥkavajraṁnimuktāpravālakṣārakarmāntān kārayet paṇāna vyavahāraṁ ca.

“The Superintendent of ocean mines shall attend to the collection of conch shells, diamonds, precious stones, pearls, corals and salt (*kṣāra*) and also regulate the commerce in the above commodities.”³

There were two other Superintendents—the *Suvarṇādhyakṣa* and the *Lakṣaṇādhyakṣa*. The former was in charge of the manufacture of gold or silver jewellery and other valuable metals while the latter manufactured silver (*rūpyarūpa*), copper (*tāmrarūpa*) and other coins. Any person manufacturing gold or silver articles in any place other than the royal mint or without being noticed by the State-goldsmith, was fined.⁴

¹ P. 115, Trans., pp. 142-43.

² P. 84, Trans., p. 98.

³ P. 84, Trans., p. 99.

⁴ P. 90.

It appears from the following passage that not only the commerce in commodities manufactured from mineral products but also the manufacture of mineral goods was centralised (*ekamukham*) and punishments were inflicted on those who carried on the industry outside the prescribed locality.

Kṛta bhāṇḍavyavahāramekamukhamatyayam cānyatra kurtṣkretṛvikretṛnām sthāpayet

“Commerce in commodities manufactured from mineral products shall be centralised and punishment for manufacturers, sellers, and purchasers of such commodities outside the prescribed locality shall also be laid down.”¹

A governmental monopoly seems also to have existed over salt, and persons other than hermits manufacturing salt without government license were prosecuted; adulteration of salt was also punished with the highest amercement and all salts and alkalies with a few exceptions in the case of *śrotriyas* and labourers, were subject to the payment of toll. Thus it is laid down :

Vilavaṇamuttamam daṇḍam dadyāt ; anisṛṣṭopajivī ca anyatra vānaprasthebhyaḥ. Śrotriyāstapasvino viṣṭayaśca bhak-talavaṇam hareyuh. Atah anyo lavaṇakṣāravargah śulkaṁ dadyāt.

“Adulteration of salt shall be punished with the highest amercement; likewise persons other than hermits manufacturing salt without license. Men learned in the Vedas, persons engaged in penance, as well as labourers may take with them salt for food. Salt and alkalies for purposes other than these shall be subject to the payment of toll.”²

We have already noted that the forests were owned by the state. The *Kupyādhyakṣa* or the Superintendent of forest-produce was in charge of all industries concerned with

¹ P. 83, Trans., p. 97.

² Pp. 84-85, Trans., p. 99.

the forests. He collected timber and other products of the forests and started productive works to manufacture all kinds of articles which are necessary in ordinary life or for the defence of the forts. These manufactories were state-owned and directly worked by the state officials. They were established either within the forests themselves¹ or inside or outside the capital city. The author remarks :—

Bahirantaśca karmāntā vibhaktāssarvabhāṇḍikāḥ ājivapurarakṣārthāḥ kāryāḥ kupyopajivinā

“The superintendent of forest-produce shall collect timber and other products of forests by employing those who guard productive forests. He shall not only start productive works in forests, but also fix adequate fines and compensations to be levied from those who cause any damage to productive forests except in calamities.”²

The *Surādhyakṣa* or the Superintendent of liquor carried on “the manufacture of liquor and ferments by employing persons experienced in these industries and carried on liquor traffic not only in forts but also in camps.”³ The *Koṣṭhāgāradhyakṣa* (Superintendent of store house) was in charge of manufacturers from all sorts of agricultural produce such as the manufacture of flour, oil and sugar, the husking, dividing and pounding of rice, pulses, etc.⁴ The *Sūtrādhyakṣa* was in charge of the weaving establishments and manufactured threads, coats and ropes.⁵ The *Pautādhyakṣa* prepared and standardised all sorts of weights and measures and the State seems to have had monopoly in these articles. This appears to be the case from the following passage :—

Tulāpratimānabhāṇḍam pautavahastātkrīṇīyuh. Anyathā dvādaśapaṇo daṇḍah.

¹ P. 99.

² P. 101, Trans., p. 121.

³ P. 119, Trans., p. 147.

⁴ P. 94.

⁵ P. 113.

“Weighing balance and counterweights shall be purchased from the superintendent in charge of them. Otherwise a fine of twelve *paṇas* shall be imposed.”¹

Over and above these state-owned and state-managed industries there were others in which the State became a joint partner. Thus mines which could only be worked by large outlay were perhaps exploited by such joint enterprises (*bhāgena vā dadyāt*).² Productive associations with state credit was one of the plans of Lassalle but here we see the *Kauṭīliyan* state far surpassing that programme and actually carrying on vast industrial and manufacturing organisations of its own. We shall conclude this part with the following lines from the author which not only supports our conclusion but indicates state activity in many other directions. Thus he says :—

*Ākarakarmāntadravyahastivanavrajavanīkapathapracārān
vāriṣṭhalapathapanyapaṭṭanāni ca niveśayet.*³

“He shall carry on mining operations and manufactures, exploit timber and elephant-forests, offer facilities for cattle-breeding and commerce, conduct roads for traffic both by land and water and set up market towns (*panyapaṭṭana*).”⁴

As regards trade and commerce, the state actively participated in them and seemed to have levied preferential tariffs on all commodities other than those produced by the state. This step was taken perhaps to ensure the sale of the products of the state manufactories and industries. It is distinctly stated that

*Arājapanyāḥ pañcakam śatam śulkaṁ dadyuḥ.*⁵

The *Panyādhyakṣa* or the Superintendent of commerce, who controlled the commercial department of the state was always

¹ P. 90, Trans., p. 108.

² P. 84.

³ & P. 47, Trans., 52; see also p. 49, Trans., p. 54.

⁴ P. 121.

careful to realise compensation from local or foreign merchants for entailing loss on the king's liquor and other traffic caused perhaps by competition.¹ It was the duty of this official not only to provide internal markets for the sale of the state-manufactured articles but also to open facilities for their sale in foreign marts and countries.

In this connection it is interesting to note that though the state took adequate steps for the realisation of profit by the sale of these commodities, it was always the policy of the government to take care that no hardship was felt by the people of the country. Thus it is laid down :—

Ubhayaṃ ca prajānāmanugraheṇa vikrāpayet.

Sthulamapi ca lābhaṃ prajānāmāupaghātikaṃ vārayet.

“Both kinds of merchandise shall be favourably sold to the people. He (the *Panyādhyakṣa*) shall avoid such large profits as will harm the people.”²

The Government provided facilities for the importation of all foreign merchandise except those whose importation was forbidden, these being government monopolies, such as metals, weapons, etc.³ The state in the *Kauṭīliya* also seems to have run shipping services. This appears from the following statement :—

Yātrāvetanaṃ rājānaubhissampatantaḥ.

“The passengers arriving on board the *king's ship* (shall pay) the requisite amount of sailing fees.”⁴

The above statement of Kauṭīliya is supported by Strabo. We are told that “the admiral of the fleet lets out ships on hire both to those who undertake voyages and to merchants.”⁵

The state in Kauṭīliya always kept watch on the traders and merchants and it is distinctly stated that they shall be

¹ P. 121.

² P. 98.

³ Pp. 98 and 111.

⁴ P. 126, Trans., p. 156.

⁵ *Ancient India as described by Classical Literature*, Trans. by McCrindle, p. 52.

restrained from oppressing the people.¹ The author also refers to traders who unite to cause rise and fall in the prices of articles and live by making cent. per cent. profits.

*Vaidehakāstu sambhūya paṇyānāmutka sāpakarsam kurvānāḥ "paṇe paṇaśatam, kumbhe kumbhaśatam" ityājīvanti.*²

This activity of the traders as Dr. R. C. Majumdar suggests is very much like the "corner" or "trust" systems,³ whose baneful effect is only too well known at the present day. The state in Kauṭilya was wide awake against such contingencies and heavy fines (1,000 *paṇas*) were levied on all merchants who conspired either to prevent the sale of merchandise or sell or purchase commodities at higher prices. Kauṭilya says :—

*Vaidehakānām vā sambhūya paṇyamavarundhatāmanarghena vikrīṇatām krīṇatām vā sahasraṁ daṇḍaḥ.*⁴

To prevent arbitrary prices being levied from the consumers the state controlled price and profit. A general profit of five per cent. over and above the fixed price of local commodities and ten per cent. on foreign produce was allowed. Merchants who enhanced the price or realised profit even to the extent of half a *paṇa* more than the above scale in the sale or purchase of commodities, were punished with fines ranging from five to two hundred *paṇas*. Thus it is said :—

*Anujñātakrayādupari caiṣām svadeśīyānām paṇyānām pañcakam śatamājivam sthāpayet. Paradeśīyānām daśakam. Tataḥ paramarghaṁ vardhayatām kraye vikraye vā bhāvayatām paṇaśate pañcapaṇāddvīśato daṇḍaḥ. Tenārghavṛddhau daṇḍavṛddhivṛddhyāḥyātā.*⁵

¹ P. 204.

² P. 333, Trans., p. 403.

³ *Corporate Life in Ancient India*, 1918, p. 35.

⁴ P. 205, Trans., p. 259.

⁵ P. 206.

The State also regulated the middleman's profit.¹ In fixing these prices and profits the superintendent of commerce did not act arbitrarily. He paid due regard to all considerations of the outlay, the quantity manufactured, the amount of toll, interest and all other kinds of accessory expenses involved. The author remarks :—

Deśakālāntaritānāṃ tu panyānām—

*Prakṣepaṃ panyanispattiṃ śulkaṃ vṛddhimavakrayam. vyayānanyāmśca saṅkhyāya sthāpayedarghamarghavit.*²

Whenever there was any excessive supply of merchandise the state centralised its sale and prohibited the sale of that commodity elsewhere before the centralised supply was disposed of. Kautilya says :—

*Panyabāhullyāt-panyādhyakṣaḥ sarvapanyānyekamukhāni vikrīṇīta.*³

As a probable safeguard against cheating the Government of its dues, commodities were never allowed to be sold where they were grown or manufactured :—

*Jātibhūmiṣu ca panyānāmavikrayaḥ. khaṇibhyo dhātu-panyādāneṣu śatchatamatyayaḥ,*⁴ etc.

Nor were they permitted to be sold before they were precisely weighed, measured or numbered :—

*Tasmādvikrayaḥ panyānām dhr̥to mito gaṇito vā kāryaḥ.*⁵

A great encouragement to trade and commerce was given by the fact that the state undertook the responsibility for all things lost by the merchants :—

*Naṣṭāpahṛtaṃ ca pratividadyāt.*⁶

The state here played the part of something like a modern insurance agency.

¹ Pp. 205-206.

² P. 207, Trans., p. 261.

³ P. 206.

⁴ P. 113.

⁵ P. 110.

⁶ P. 111.

Thus we see that the "trade policy" of the government according to the *Kauṭīliya* was one of active interference in every sphere. We find the state not only participating in its own capacity, in trade and commerce but also devising various laws to control prices and profits and exports and imports of the country. The public welfare was less at the mercy of private enterprise and the state did not surely countenance "inordinate speculation," "trusts," "rings," "corners" and "similar other products of our high civilisation" which seem to be "holding high revelry in the present days."¹

We shall now try to sketch the state policy towards labour as depicted in the *Kauṭīliya*. The author begins by a general statement to the effect that those who conspire to lower the quality of the work of artisans, to hinder their income or obstruct their sale or purchase shall be fined a thousand *paṇas*. He says :—

*Kāruṣilpinām karmaguṇāpakarṣamājivam vikrayam krayo-
paghātam vā sambhūya samutthāpayatām sahasraṁ daṇḍaḥ.*²

As to wages of labourers, the state allowed them freedom of contract. Thus it is laid down that a labourer shall get the promised wage—*Yathāsambhāṣitam vetanam labheta*;³ again, *Sambhāṣitavetanastu yathā sambhāṣitam.*⁴ Failure to pay wages or misappropriation of wages was punished with fines of five to ten times the amount of the wages :—

*Vetanādāne daśabandhodanḍaḥ. Ṣaṭpaṇo vā. Apavyaya-
māne dvādaśapaṇo daṇḍaḥ pañcabandho vā.*⁵

But in the absence of any previous agreement the state intervened and fixed the wages. Accordingly a cultivator or

¹ W. H. Dawson, *Bismarck and State-Socialism*, 2nd ed., Preface, p. x.

² P. 205.

³ P. 183.

⁴ P. 183. Contracts were invalid if they were ill considered or improper. See p. 184.

⁵ P. 184.

herdsman, whose wages were unsettled, got one tenth of the crop and clarified butter respectively. A trader likewise got one-tenth of the sale proceeds (*daśabhāgamasambhāṣitavetanō labheta*).¹

Adequate steps were taken to regulate slave labour and improve its condition by suitable legislation. The state exercised a strict supervision over their "conditions of labour" and saw that they were both from sanitary and moral stand-points such as would shield both mind and body from deleterious influence. Thus to prevent the slaves from being maltreated it has been laid down that employing a slave to carry the dead, or to sweep ordure, wine or the leavings of food, keeping a slave naked, or hurting him or violating a female slave shall cause the forfeiture of the value paid for him or her :—

*Pretaviṇmūtrocchiṣṭagrāhiṇāmāhitasya nagnastāpanam
daṇḍapreṣaṇamatikramaṇam ca strīṇām mūlyanāśakaram.*²

The private property of a slave was recognised by the state, and his master only inherited it in the absence of his kinsmen :—

*Dāsadravyasya jñātayo dāyādāḥ. Teṣāṃ abhāve svāmī.*³

It is also stated that those who did not heed the claims of their slaves or hirelings (*āhitaka*) shall be taught their duty—

*Dāsāhitakabandhūnaśṛṇvato rājā vinayam grāhayet.*⁴

The village guilds, probably of artisans, were protected by the regulation that no guilds of any kind other than local co-operative guilds (*saṅghassāmutthāyakādanyassamayānubandhaḥ*)⁵ shall find entrance into the village. Guilds of workmen were granted various concessions by the state.

¹ P. 183.

² P. 182, Trans., p. 231.

³ P. 183.

⁴ P. 47.

⁵ P. 48.

Thus they were usually granted seven nights over and above the period agreed upon for fulfilling their agreement.¹

To save the helpless village cultivators who are "dependent and bent upon their fields" the state regulated that there should be in villages no buildings intended for sports nor with a view of procuring money, free labour, commodities, grains and liquids in plenty, should actors, dancers, singers, drummers, buffoons (*vāḡjivana*) and bards (*kuśilava*) create any disturbance in the work of the villagers.²

Thus we see that the moral and material elevation and amelioration of the working classes, which Wagner and Smoller so emphatically urge,³ were kept much in view by the state in the *Kauṭīliya*. That the state took such stringent measures to improve the conditions of the labour of slaves—the members on the lowest rung of society, is perhaps an ample proof that such safeguards were not lacking for the higher forms of labour. It also appears from the above and other frequent references to artisan-guilds that the state recognised the "right of coalition" of labour for economic purposes.

The state also undertook to provide protection and subsistence for the orphans, and for the aged, the infirm, the afflicted and the helpless. Subsistence was also given by the government to helpless women when they were carrying and also to the children they gave birth to. It is laid down:—

*Bālavrddhavyādhitavyasanyanāthāmśca rājā bibhṛyāt.
Striyamaprajātām prajātāyāśca putrān.*⁴

From the above we can assume the existence of something like our present-day old age pensions, accident insurance

¹ P. 185.

² P. 48, Trans., p. 64. The cultivators could not be caught hold of for debts while they were engaged in their duties. They enjoyed this privilege with the Government servants, p. 175, Trans., p. 223.

³ W. H. Dawson, *op. cit.*, pp. 3-8.

⁴ P. 47. Prof. Coyajee admits that some of the prescriptions of the New Poor Law are here anticipated by Kauṭīlyn, *Bengal Economic Journal*, January, 1917, p. 240.

and a general duty of the state to provide "subsistence for those who could not make a living." Thanks to this attitude of the state, the workmen and people in general perhaps could "anticipate the hour of sickness and incapacity without anxiety" and face old age with confidence. As Dawson remarks, to grant to the toiling masses such a boon is better than to win a great victory. It is not clear how the state fed and nursed the new-born babes of the helpless mothers.

The state in the *Kautilīya* provided work for those who were out of employment. Work was given according to the capacity of each labourer. Helpless widows, cripple women, girls, mendicants or ascetic women and similar people were employed in the king's weaving manufactories to spin thread¹; prizes were often awarded by way of encouragement.² The respectable but poor women were provided with work and due respect was paid to their modesty. They were provided with work within their own houses sent on to them with due courtesy through female servants belonging to the weaving establishments of the state.³ The orphans who were fed by the state were made to study science, palmistry and various other arts and it was from these that the classmate spies were recruited for the royal espionage department for criminal investigation.⁴

Here we should not fail to take note of the fact that the statements of the classical authors, with regard to the attitude of the state towards labour in the Maurya period, far from contradicting the evidence of the *Kautilīya* affords valuable confirmation of the facts gathered from that ancient treatise. Megasthenes for example informs us that the agricultural labourers were regarded as a class that was sacred and inviolable; they were exempted from military service and being recognised as public benefactors were protected from all injury. In times of civil war the soldiers

¹ P. 113.

² P. 114.

³ P. 114.

⁴ P. 20.

were not allowed to molest the husbandmen or ravage their fields.¹ The artisans or the fourth caste we are told also enjoyed special protection and privileges. They were not only exempted from paying taxes but even received maintenance from the public exchequer. Any person who caused any artisan to lose his hand or his eye was put to death.² The same writer informs us that all the Indians are free and not one of them is a slave.³ This statement, however, like many other statements of Megasthenes must be taken with some reservations. Megasthenes as a Greek was acquainted with the Greek system of slavery where slaves were not far removed from the cattle. In India, however, thanks to the energetic action of the state the condition of slaves was so much improved that it is quite conceivable that slavery as an institution escaped the notice of Megasthenes. It was not probably possible for a Greek to understand how a man can earn and possess private property and still be a slave.⁴

The state in the *Kautiliya* also had some control over the capital of the country. Interest on debts was strictly regulated and the government thoroughly scrutinised the nature of all transactions between debtors and creditors—"for," says Kautilya, "on this the welfare of the kingdom depends."⁵

In fixing the rate of interest due regard was paid to the risks involved in trading and the rate of interest varied from fifteen per cent. to sixty per cent. in commercial undertakings; while a still higher rate was granted in the insecure forest-tracts and among the sea-traders. Persons exceeding or causing to exceed the rate of interest fixed by the state were punished with the first amercement.

¹ *Ancient India as described by Megasthenes and Arrian*, Trans. by J. W. McCrindle, pp. 33, 44, 84 and 210; *Ancient India as described by Classical Literature*, Trans. by McCrindle, p. 48.

² *Ancient India*, pp. 42-43, 71 and 211.

³ *Ibid.*, pp. 40, 68-69.

⁴ See p. 182. *Ātmādhigataṁ* *dāyaṁ*.
P. 174.

*Sapādapanā dharmā māsavṛddhiḥ paṇasatasya. Pañcapanā vyāvahārikī. Daśapanā kāntārakāṇām. Vimsatipañā sāmudrāṇām. Tataḥ paraṃ kartuḥ kārayituṣca pūrvassāhasadaṇḍaḥ.*¹

A maximum limit was placed on the realisation of interest. The total amount (capital plus interest) as a rule must be less than four times the amount lent and any creditor suing for four times the amount was fined.²

Thus as regards money-lending the state allowed no freedom of contract. The state had fairly clear ideas of equity and all transactions had to conform to these principles.

Finally I should draw the attention of scholars to another very interesting function of the state in the *Kauṭilya*. It seems to have been the general accepted principle that no one had a right to live for himself alone ; he must do his duty to the society and if he failed, the state must make him do it. Among the many illustrations of this principle with which the book abounds we can mention a few. Thus when a capable person other than an apostate (*patita*) or mother neglected to maintain his or her child, wife, mother, father, minor brothers, sisters or widowed girls, he or she was punished with a fine of 12 twelve *paṇas*.

Kauṭilya says :—

*Apatyadāraṃ mātāpitaraṃ bhrātrṇaprāptavyavahārāṇaḥ bhaginīḥ kanyā bidhavaścābibhrataḥ śaktimato dvādasapaṇo daṇḍo'nyatra patitebhyāḥ anyatra mātuh.*³

Again when any person embraced asceticism without making adequate provision for the maintenance of his wife and sons he was punished with the first amercement.

*Putradāramapratividhāya pravaṇataḥ pūrvassāhasadaṇḍaḥ.*⁴

¹ P. 174.

² P. 174.

³ P. 48, Trans., p. 53. In the opinion of some scholars *anyatra mātuh* is an evident interpolation in the text. It is suggested to put a stop after *patitebhyā* following the reading of a MS. found in the Munich Library. See *Some Notes on the Adhyakṣapracāra*, by I. J. S. Sorabji, B.A. (Cantab.), p. 2. I have followed Dr. Shamasastri's translation but the difference of reading does not in any way interfere with my point.

⁴ P. 48, Trans., p. 53.

In this connection the following extract from an article in the *Englishman on French Personal Law* is extremely interesting.¹

“There was much discussion last July over the French bill concerning desertion of the family, which has just been passed by the Senate. This law now makes it a criminal offence for either father or mother to abandon his or her family. Any person ordered to pay maintenance to wife or husband, to his children or his parents, who fails to do this for more than three months will be tried in the police Court and will be either fined heavily or sent to prison. Quite apart from the relief to the family offered by the new law, it is intended, of course, to strengthen those family ties upon which the French lay so much stress by insisting on the rights of dependents.”

The same principle seems to have been applied also in village affairs. For if any villager failed to co-operate with the headman in affairs which interested the whole village then he was punished.

Kautilya says :—

*Grāmārthena grāmikam vrajantam upavāsāḥ paryāyeṇā-nugaccheyurananugacchantāḥ pañārdhapaṇikam yojanam dadyuḥ.*²

“When the headman of the village has to travel on account of any business of the whole village, the villagers shall by turns accompany him. Those who cannot do this shall pay $1\frac{1}{2}$ paṇas for every yojana ($=5\frac{5}{4}$ miles³).”

In case of fire it was expected that everybody must co-operate in extinguishing it. Those who failed were punished by the state. Thus Kautilya says :—

*Pradiptamanabhidhāvato gṛhasvāmīno dvādaśapaṇo daṇḍaḥ. Śaṭpaṇo vikrayiṇaḥ.*⁴

¹ *The Englishman*, Calcutta, 17th March, 1924.

² P. 171.

³ Trans., p. 218,

⁴ P. 145.

“Any house-owner who does not run to give help in extinguishing the fire of whatever is burning shall be fined 12 *paṇas*; and a renter not running to extinguish fire shall be fined 6 *paṇas*.”¹

Any one who did not run to render help to another in danger was fined 100 *paṇas*,²

The best illustration, however, of this principle is perhaps to be found in the following passage of the *Kautiliya* :—

*Sarvāhitamekasya bruvataḥ kuryurājñām. Akaraṇe dvādaśapaṇo daṇḍaḥ. Tam cetsambhūya vā hanyuh, prthageśāmaparādhadviguṇo daṇḍaḥ. Upāhantr̥ṣu viśiṣṭaḥ brāhmaṇataścaīṣām jyeṣṭham niyamyeta.*³

“The order of any person attempting to do a work beneficial to all shall be obeyed. Disobedience in such a case shall be punished with a fine of 12 *paṇas*. If others unitedly beat or hurt such a person so ordering, each of them shall pay double the amount of the fine usually levied for such offence. If among the above offenders one is a Brāhmaṇ or a person superior to a Brāhmaṇ, he shall first be punished.”⁴

The above shows how the *Kautilīyan* state supported and actively encouraged the idea of social service and meted out punishments to all selfish members of the society irrespective of caste and also perhaps colour and creed. It is interesting to notice that the Brāhmaṇ offenders far from receiving any privileged treatment were the first to be punished.⁵

I shall conclude this section of my thesis by drawing attention to another fact which seems to be of great political importance. In cases of national calamities the state, after doing all that lay in its power, is directed by Kautilya to distribute the hoarded income of the rich among the distressed population by causing them to disgorge (*vamanam kuryāt*)

¹ Trans., p. 183.

² Trans., p. 251.

³ P. 173.

⁴ Trans., p. 220.

⁵ See my paper—*The position of the Brāhmaṇa in Kautilya in the Proceedings and Translations of the Second Oriental Conference, Calcutta, 1922, pp. 389-96.*

their accumulated wealth. The passage in Kauṭilya runs as follows :—

Durbhikṣe rājā bijabhaktopagraham kṛtvānugraham kuryāt. Durgatakarma vā bhaktānugraheṇa bhaktasāmvibhāgam vā deśanikṣepam vā. Mitrāṇi vā vyāpāśrayeta. Karśanam vamanam vā kuryāt.

“During famine, the king shall show favour to his people by providing them with seeds and provision (*bijabhaktopagraham*).

“He may either do such works as are usually resorted to in calamities; he may show favour by distributing either his own collection of provisions or the hoarded income of the rich among the people; or seek for help from his friends among kings.

“Or the policy of thinning the rich by exacting excessive revenue (*karśanam*) or causing them to vomit their accumulated wealth (*vamanam*) may be resorted to.”¹ Thus the policy of “thinning” the rich by excessive taxation was not unknown and was resorted to in extreme cases when help from friendly kings failed. The above looks very much like the capital levy in our own times which is being urged in England and many other countries to cut down the huge war debts and thus save the people from generations of economic servitude.

¹ P. 208, Trans., pp. 262-263.

CHAPTER III.

CONCLUSION.

Thus ends our detailed survey of the question. It will be perhaps going too far to say that the system that *Kautilya* represents looks like a complete and full-fledged State-Socialism of the modern day. For though many of the measures recommended in the *Kautilya* almost perfectly agree with those urged by the State-Socialists and in certain respects, for instance in the advocacy of the complete nationalisation of mines, more advanced views are expressed than Wagner, it is not always possible, with the materials at our disposal to find out the real motive lying behind them; and it is the motive and ultimate objective that give these actions their true colour. For the same actions may be dictated by a spirit of unnecessary interference or may be due to a period of financial stringency. No less an economist than Prof. J. C. Coyajee has actually advanced the latter view in the pages of the *Bengal Economic Journal*.¹ In trying to show points of affinity between the environment of Kautilya and that of the Kameralists he expresses the opinion that these writers were studying the maxims of war-economy. Prof. Coyajee perhaps means to say, if I have rightly understood his point, that the measures recommended in the *Kautilya* were dictated by an exceptional period of financial stringency caused by the wars with the Greeks and native powers, which the Mauryas had to wage unceasingly till the thirteenth year of Aśoka. But we fear such a view can hardly be justified by the facts at our disposal. For most of the actions supporting State-Socialism are intended for all

¹ January, 1917, No. 3.

times to come and no state could adopt them as temporary expedients or expect good returns from them in a short period of time. Take for example the manufacturning work carried on in connection with mines. A state in utmost difficulty would rather sell its rights over them for ready money than wait for uncertain return at the end of ten or fifteen years with bankruptcy staring in the face all the while. Moreover the provision in the *Kauṭilya* of separate chapters ¹ for all sorts of emergencies financial or otherwise seems to indicate that the rest of the chapters were meant to set forth the maxims and practices of 'peace-economy' and not 'war-economy.' I also beg to differ from Prof. Coyajee when he holds, as it seems to me, that the view of *Kauṭilya* thoroughly justified the statement of Louis XIV "L'etat c'est moir" – 'I am the state.' This, we fear is not a correct interpretation of the ideal of *Kauṭilya*. It is true that *Kauṭilya* always refers to everything as belonging to the king. This must give to a student the impression that according to him the state was nothing but a zemindari belonging to the king. Prof. Coyajee even goes so far as to say that both to *Kauṭilya* and to Kameralists the welfare of the prince is *par excellence* the welfare of the people. But we fear this view cannot be supported by any facts. For *Kauṭilya* distinctly says that:—

*Prajāsukhe sukhaṁ rājña prajānām ca hite hitam
nātmapriyam hitaṁ rājñah prajānām tu priyamhitam.*

"In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself he shall not consider as good but whatever pleases his subjects he shall consider as good."²

Thus it is clear that *Kauṭilya* whether a Kameralist or not surely did not place the welfare of the king before that of the subjects. In fact in ancient India an important section of

¹ *Arthasāstra*, pp. 207-210, 242-246, 321-325, etc.

² *Arthasāstra*, p. 39. Trans., 2nd ed., p. 41.

the political theorists regarded the king, at least *in theory*, as the servant of the people.¹ It is true there were some writers who regarded the king as a god. But even to these writers the king was a divine personage only so long as he was virtuous. Thus according to the *Śukranīti*² ‘the king who is virtuous is part of the gods; who is otherwise a part of the demons.’ To the former class of writers, however the king’s position as we have said was that of a servant of the people. The taxes he received were his wages for protecting the people from anarchy (*mātsyanyāya*). Thus *Baudhāyana*³ remarks *Ṣadbhāga-bhṛto rājā rakṣet prajāṁ*. That Kaṭilya also belonged to this school is proved by the following passage:—

*Mātsyanyāyābhibhūtāḥ prajā Manuṁ Vaivasvatam rājānam cakrire. Dhānyasadbhāgam panyadaśabhāgam hiraṇyam cāsyā bhāgadheyam prakalpayāmāsuḥ. Tena bhṛitā rājānaḥ prajānām yogakṣemavahāḥ teṣāṁ kilbiṣamadaṇḍakrā haranti yogakṣemavahāśca prajānām. Tasmāduñchaṣadbhāgamāranyakā api n’vapanti—‘tasyaitadbhāgadheyam yojmān gopāyatīti.’*⁴

“People afflicted with anarchy consequent upon the *mātsyanyāya*, i.e., the practice of the bigger fish swallowing the smaller, first elected Manu, son of Vaivasvat, to be their king. They allotted one-sixth of their grains and one tenth of their merchandise and gold as his share. *Subsisting on this wage* kings became capable of giving safety and security to their subjects and removing their sins. Hence hermits, too provide the kings with one-sixth of the grains gleaned by them saying to themselves ‘it is a tax payable to him who protects us.’⁵

The above statement clearly proves that the sixth part of the grains and the tenth part of the merchandise and gold

¹ Carmichael Lectures, 1918, pp. 119-124.

² I, 70.

³ I, 101.

⁴ *Arthaśāstra*, pp. 22-23.

⁵ Carmichael Lectures, 1918, p. 119.

were regarded by Kauṭilya as the king's wages for his duties of protection. In fact the position almost amounts to a contract and this contractual relationship between the king and his subjects is widely referred to in Indian Literature.¹ If the king by being guided by the counsel of wicked ministers or the promptings of his own evil nature failed to perform this elementary duty, the contract with the king appears to have been dissolved and the Mahābhārata in one passage holds such advanced views as to advise such a king *to be killed even as a mad dog*.

*Arakṣitāraṃ harttāraṃ viloptāramanāyakam,
taṃ vai rājakaḷiṃ hanyuh prajāḥ sannahya nighṛṇam.
Ahaṃ vo rakṣitetyuktvā yo na rakṣati bhūmipah.
sa saṃhatya nihantavyaḥ śveva sonmādāturaḥ.*²

The views of the *Kauṭilya* is made absolutely clear by a statement on p. 357 where while addressing the soldiers the king is enjoined to describe himself as a *paid servant* of the state (*Tulya vetonohsmi bhavādbissaha bhogyamidam rājyam*). There should be now no scepticism on the point that *at least in theory* the position of the king in the *Kauṭilya* was that of a *servant of the state* and not its owner.³ It is also absolutely certain that Kauṭilya always placed the welfare of his subjects before the welfare of the king. We shall not enter here into the controversy whether the king was a constitutional sovereign or not. It is not material for our purpose. Suffice it to say that the king was actuated by the high ideal '*prajāśukhe sukham rājñah*' and if we take into account the very liberal policy followed towards labour we shall perhaps be allowed to conclude that the *Kauṭilyan* king was not less

¹ *Mbh.*, Śānti, Ch. 67, *Digha-Nikāya*, III. g 2 ff. *Mahāvastu* (ed. Senart) I, 347-48, etc.. See Carmichael *Lectures*, 1918, pp. 120-122.

² *Anus*, Ch. 61, lines 32-33. See also Śānti, Ch. 92.

³ This is also clear from the fact that the king had to make good from his own pocket 'whatever of the property of citizens robbed by thieves the king cannot recover.' See p. 190. *Trans.*, p. 241.

bound up with tradition, than those of the Prussian monarchs 'who recognised their duties.'¹ Let us remember in this connection the famous declaration of the Maurya monarch Aśoka.

...“ Work I must for the welfare of all the folk (*sarvaloka-hitam*); and of that, again the root is energy and the despatch of business, for nothing is more essential than the welfare of all the folk. And whatsoever efforts I make they are made that I may attain release from my debt to animate beings, so that while in this world, I make some persons happy they may win heaven in the world beyond. For that purpose have I caused this scripture of the Law to be written in order that it may endure, *while my sons, grandsons and great grandsons may take action for the welfare of all folk.* That, however, is difficult save by the utmost exertion.’²

In conclusion we should point out that those who would object to seeing any correspondence between the *Kautilian* state and State-Socialism because of the elaborate organisation of espionage in the former are perhaps ignorant of the activities of the secret service of the late German government.³ In fact there appears to be a good deal of similarity between the activities, of the spies in *Kautiliya* and State-Socialistic Germany, the child of Bismarckian policy.⁴

Finally we want to conclude with this suggestion that the State-Socialistic elements which appear to be embodied in the *Kautiliya* were not peculiar to him alone but were perhaps enunciated by those who preceded him, and on whose *Arthaśāstras* he claims to have based his own treatise, making it on the whole a compendium of all the works on polity.

¹ *Bismarck and State-Socialism*, p. 3.

² R. E. VI, *Asoka* by V. Smith, 3rd ed., p. 172-73. The italics are mine.

³ This was preceived by the late Dr. V. Smith. See his *Oxford History of India*, p. 89.

⁴ For Espionage in the Hindu system of Administration see my articles in the *Calcutta Review*, 1925, May-June and the following issues.

*Prthivyā lābhe pālāṇe ca yavantiyarthasāstrāṇi pūrvā-
oāryaiḥ prasthāpitāni prāyaścāstāni saṁgrhyaikamidaṁ artha-
śāstram kṛtam.*¹

It will thus be extremely interesting to analyse our available sources to find out the many elements of State-socialism which they might contain and make a comparative study with our modern ideas on the subject.

¹ *Arthasāstra*, p. 1. *

Bir Singh Deo

BY

SITA RAM

It was in January, 1894, when I was Assistant Inspector of Schools of the then newly constituted Bundelkhand Educational Division, that I first paid a visit to Orchhá, the old capital of the rulers of Bundelkhand and was struck with the solitary grandeur of the place. I was then, among other things, shown the temple in which the image of Ráma in a sitting posture had been installed by Maharání Ganesh De Jú, queen of Maharájá Madhukar Sáh, the story of whose devotion to the Lord I had heard in Ajodhyá in my childhood.¹ I was also shown the palace which Bir Singh Deo had built for Jehangir when the Emperor was his guest in Orchhá. I paid a visit also to the historic fortress of Jhansi² which was built by Bir Singh Deo and which is famous now for its heroic defence by the brave Rání Lakshmí Báí. The duty of inspecting schools in four districts in a bad country like Bundelkhand gave me no time then for further enquiries and it was not till 1895 when I worked in connection with settlement operations in Lalitpur, that happening to be acquainted with a representative of the Bánpur branch of the Bundela Raj family, Díwan Bijai Bahádur Mazbút Singh, I came to know much more about Bir Singh Deo,

¹ It is said that the Rání had brought the image from Ajodhyá and placed it in the temple. This image like ordinary images was in a standing posture and the pious worshipper out of respect remained standing before it for several days. When requested to sit down, she said, "How can I sit when the Lord is standing?" The image then sat down and it is so to the present day.

² The Rájá of Jaitpur was on a visit to Bir Singh in Orchhá. They were both sitting on the roof of the palace when Bir Singh pointed out his new fort in the distance asking the Jaitpur Raja if he saw it. The Raja replied "*woh jhain si dikhe hai*." 'You mean the fort which is dimly seen like a shadow' and ever since the place became known as *Jhain si* or Jhansi. The fort was greatly enlarged by Naru Shankar, a Mahratta leader who made it his headquarters in 1744.

from his history of Bundelkhand, a book which was subsequently translated into English by Mr. Silberrad and published in the Journal of the Bengal Asiatic Society for 1902.

To students of Indian history, Bir Singh Deo is known as the murderer of Akbar's famous minister Abul Fazl. To students of law, he is known as the patron of Mitra Misra, author of the *Virámitrodaya*, an encyclopædia of religion, law, ethics and other subjects, the law portion of which is one of the standard books of the Benares School on Hindu Law of Inheritance; the name of the book immortalises the patron (*Vira* Singh Deo) and the author (*Mitra* Misra). In Bundelkhand he is known as a mighty builder who has left many monuments of his activity in this direction as the great palace forts at Orchhá and Datia, the Chaturbhuj temple, and many other edifices within and without the limits of Central India testify. "On Sunday, the 5th *Magh Sudi* V. S. 1675 (December, 1618), the foundations of 52 buildings are said to have been laid."¹

Nor were these activities confined to the construction of edifices. He built three large tanks in his territories called after each word in his name, the Bir Sagar in Orchhá, the Singh Sagar in Kundar and the Deo Sagar at Dinara. He also repaired at great expense the Madan Sagar in Jatara, built originally by the Chandel King Madan Varma.

His piety and his charity were unsurpassed. The magnificent temple of Keshava Deo which he built in Muttra on the site of the birth-place of Lord Krishna at a cost of 33 lakhs and which was seen by Tavernier in 1650 and Bernier in 1663 and a description of which as given by the former appears in Growse's *Memoirs of Muttra District*, page 66,² was destroyed in 1669 in the eleventh year of the reign of Aurangzeb who had descended in person on Muttra. In Muttra, Bir Singh had himself weighed with gold and other articles, the aggregate weight of all of which amounted to 81

¹ *Orchhá State Gazetteer*, p. 22.

² Appendix A.

maunds and which were subsequently distributed among the Brahmans. The balance used is still kept in the Bissant ghat of Muttra. He performed the *Chándráyan vrat*, one of the most difficult fasts in Hindu religion. As an example of his strict sense of justice it is said that on one occasion he had his eldest son Jagat Deo put to death as the young man while hunting had allowed his hound to kill a hermit.

He was an ambitious man and his restless spirit and his aggressions had the same excuse as those of any conqueror. Babur in his letter to Humayun rightly says—

“Ambition admits not of inaction.

The world is his who exerts himself.”

Beyond the fact therefore, as we shall see further on, of Bir Singh Deo having been appointed ruler of Orchhá in supersession of the then Rájá, his elder brother Ram Sah, there is nothing in his early life to show that there was a “dark back-ground behind the bright picture of his mature piety.” Even his worst enemies have not invented any such stories as would show that he practised unscrupulousness or cruelty to attain his object. He certainly did not like Asoka find an Upagupta to teach him the law of piety, yet the single act of his in attacking Abul Fazl which ended in the latter's death, has justified writers of Indian history to brand him as a bandit and a treacherous murderer and even the *Orchhá Gazetteer* says “has left an undying stigma on his reputation.” In this paper an attempt will be made to show from contemporary Hindi records, the circumstances under which Abul Fazl lost his life and the fact that Bir Singh Deo's conduct in the affair was as justifiable as that of any feudal chief who was acting in the interest of his suzerain.

The most important book which throws much light on these facts is *Bir Singh Deo Charita* written in 1664 V. E. (1607) by Keshava Dás one of the greatest poets of the time

and a contemporary of Súr Dás and Tulsí Dás. Keshava Dás is known in literary circles as the author of two standard works on *Ars poetica*, the *Kavipriyá* and the *Rasikapriyá* and the *Rám Chandriká* which describes the story of the *Ramayan* in a way peculiarly its own. Keshava Das's family originally belonged to Gopachal, modern Gwalior, and he was a Brahman of the Sanadh sect claiming descent from Sanaka, son of Brahma. When Raja Rudra Pratap founded the city of Orchhá and made it his capital, Krishna Datt Misra was appointed Pauranik (reciter of the Puranas). A detailed genealogy of the poet is given in Appendix B. Keshava Das was the grandson of Krishna Datta. The family seems to have been noted for Sanskrit scholarship and Keshava Das says that he alone has selected Bháshá for his compositions and emphasises the fact that none of his ancestors could speak it and always talked in Sanskrit. Keshava Dás was attached to the court of Raja Indrajit, brother of Bir Singh Deo, though he says in the *Kavipriyá* that he was patronised by Raja Ram Sah also. Of the three works noted above the *Kavipriyá* was written in 1658 V.E. (1601) at the request of Prabin Rai, an accomplished courtesan attached to the court of Raja Indrajit. The other two works have a significant ending at the end of each chapter which would signify that they were composed by Maharaj Kumar Indrajit himself.

As remarked by Mr. Keay in his *History of Hindi Literature*, 'the poetry of Keshava Dás is not an easy reading but there is no doubt of his being a poet of very great skill and his name is to be reckoned among the foremost.' This has led some scholars to opine that *Bir Singh Deo Charita* which is written in a very simple style is not his composition. It was written in *Samvat* 1664 in the reign of Bir Singh Deo and records events which happened before that date and there were no two Keshava Dases in Orchhá Durbar. Besides the work is interspersed throughout with stanzas which no ordinary

poet can produce and the chapters at the end describing the duties of a king establish beyond the shadow of a doubt that the writer was a profound scholar whose great learning in the *shástras* did credit to the family of *Pauraniks* to which he belonged.

I now proceed to give an analysis of this book. I have already said that it was composed in 1607, two years after the death of Akbar. After the usual invocation to Siva, followed by a verse which is significant as recording the exploits of three important personages of the time, Raja Mansinha Kachhwaha who is described as having torn the breast of the ocean, Amarsinha Sissodia¹ who was a terror of his enemies and the hero of the poem whose unbearable mental agony like fire consumed Jalaluddin and who founded the town of Jahangirpur on the Betwa, the author describes a large religious gathering on the banks of the Narbudda. Here *Lobh* (Avarice) saw the majesty of *Dán* (Charity—masculine in Hindi) and accused him of having ruined the world, though he was courted and worshipped. *Dán* replies that *Lobh's* votaries were thieves, swindlers, gamblers and opium-eaters. A noticeable point in this conversation is a reference to Todarmal and Birbal. Todarmal, as everybody knows, was the financial minister of Akbar and Birbal, his favourite courtier.

Says *Dán*,

टोडर मल तव मित्र मरे सबहो सुख सोयो ।
मोरे हित बरबोर बिना टुक दीनन रोयो ॥

“When your friend Todarmal died, everyone rejoiced and slept in peace and when my friend Birbal died, all the poor people wept for a while.”

The verse shows that Todar had made himself extremely unpopular by imposing fresh taxes to increase the State revenue. Birbal's liberality was famous and formed the

¹ Son of the famous Rana Pratap.

subject not only of Keshava Dás's well-known lines quoted in my Calcutta University Selections, Book I, page 50, but was referred to by the Emperor himself in his expression of grief at Birbal's death.

दीन जानि सब दीन एक दुरायो दुसह दुख ।

सो दुख हम कहँ दीन ककुहु न राख्यो बीरबर ।

“He gave away all to the poor, except unbearable grief and left nothing for himself. This grief was reserved for me and he has left it for me.”

Todarmal died on the 7th November, 1589 and Birbal was killed in the Usufzai expedition on the 14th February, 1586. The debate is continued with all earnestness, Avarice maintaining that he protects the wealth of the country even in the same way as a good king protects his subjects. In the end, however, both seem to be reconciled by an appeal to the Vedantic doctrine of the identity of the giver and the receiver and Avarice describes the genealogy of the rulers of Orchha as follows :—

When Lord Rama after having relieved the earth of its burden of sin departed to Heaven making over his kingdom to his son Kusha, Ajodhya became desolate because like a faithful wife she followed her lord. Kusha established himself in Kushasthali¹ and became ruler of the earth as far as the limits of the ocean. A prince of the family of Kusha went over to Benares and was anointed king by the people. The name of this prince was Vir Bhadra² and his successors in the

¹ This is evidently the Kushavati which, as I have shown in my paper on Ajodhya was situated in the Vindhyan precipices. The *Raguvansha* however says that at the request of his brothers Kusha went back to Ajodhya and restored it to its pristine glory making over Kushavati to Shrotriyas.

² In the *Orchha Gazetteer* the name of the prince who left Benares is Hem Karan and it was Lava and not Kusha who was the progenitor of the family of Gaharwars to which Bundelas belong. It is also written that Hem Karan was the favourite of his father who selected him as his heir while granting his brother *jagirs*. After the father's death, however, the brothers made common cause and expelled Hem Karan.

descending line were Vir Karan who established the Karn-tirtha (*sic* the present Kantit in Mirzapur) and Arjun Pal. Arjun Pal was displeased with his father and left Benares establishing himself in Mahoni.¹ He was succeeded by his son Sohan Pal who conquered Garhkundár.² His son was Naunak Deo and Naunak in-turn was succeeded by Prithiraj. After this the *Bir Singh Charita* in its enumeration sets out the list which is recorded in the *Orchha Gazetteer*. Prithiraj is said to have had three³ sons, Medini Mal, Rai Sen and Puran Mal. Medini Mal's son, Arjun Deo was a very virtuous sovereign and his son Malkhan Singh was a brave soldier. Malkhan's son, Pratap Rudra (or Rudra Pratap) left Garhkundar and founded the present town of Orchha, appointing Krishna Misra,⁴ his family priest.

Pratap Rudra was succeeded by his son Bharti Chand⁵ who is said to have baffled the attempts of Sher Shah and his son Islam, also called Salem, to conquer Bundelkhand. He had no son and his brother Madhukar Sah became king after him. Madhukar Sah's queen, the famous Mahárání Ganesh De, has already been mentioned. Madhukar Sah was a brave warrior and defeated Niamat Khan, Ali Kuli Khan, Jan Kuli Khan, Sah Kuli Khan, Said Khan, gave a sound thrashing to Abdulla Khan and discomfited Prince Murad. Madhukar Sah had eight sons, (1)*Ram Sah, the eldest, (2) Horil who was killed

¹ Now a small village in Konch tahsil of Jalaun district, still known as *Bari Gaddi*, the great sent.

² A village about 16 miles east of Jhansi and 7 miles S. W. of tehsil Tahrauli. The old settlement lies in heavy jungle. O. G., page 79.

³ The O. G. says "There were two sons only, Rai Chand and Medini Mal.

⁴ Great-grand-father of Keshava Dás.

⁵ According to *Vira Mitrodaya* Rudra Pratap's successor was Madhukar Sah.

जातः प्रतापरुद्रात् ससमुद्रां पालयन्नवनीम् ।
 कनैरिपुकाननदाहो मधुकरसाहोमहीपतिः शुशुभे ॥

and Bir Singh was appointed successor by Madhukar.

विजय वीरसिंहै नरपतिसिंहै महीभारम् ।
 ज्ञानानलमलदाहो मधुकरसाहो दिवं भेजे ॥

in an engagement with Sadiq Muhammad Khan, (3) Narsingh, (4) Ratan Sen round whose head Akbar tied a turban with his own hand and who subsequently conquered Gaur for the Emperor though he lost his life in the campaign, (5) Indrajit of Kachhowa, (6) Rao Pratap, (7) Bir Singh Deo, who was the most famous of them all and (8) Harsingh Deo. Ram Singh (Ram Sah) succeeded his father Madhukar Sah as ruler of Orchha. He appeared before Akbar and was granted a seat of honour. The next chapter describes how the brothers quarrelled. The description has been put in the mouth of the goddess Vindhyabasini Devi in reply to a question by Avarice. Madhukar Sah had granted Baraun to Bir Singh Deo as his *jagir*. Here the ambitious Bir Singh gained strength enough to terrify the Shaikhs. He conquered, Pawawa, annexed Towar, struck terror in Narwar, killed the Minas and shattered the Jats, took possession of Barchha and Karara and levelled Hathnaura to the ground after having killed Baghur Raj. Hasan Khan, Governor of Bhandar fled and the place was occupied. Erichh was wrested from a Muhammadan official whose name I am unable to make out. The Raja of Gopachal (Gwalior) trembled with fear. In this way Bir Singh annexed to his dominions several districts of the Moghul Empire. When Akbar heard of the aggressive conduct of Bir Singh, he ordered Raja Askaran to crush his restless spirit and Ram Sah was commanded to help him. When the imperial contingent reached Chandpur they were joined by Hassan Khan Pathan, Raja Ram Panwar, Jagamman, as also by Minas, Jats and Gujars. On the other side Bir Singh was assisted by his brother Indrajit and Rao Pratap, who commenced a sort of guerrilla warfare. All the attempts of the imperial generals to meet him face to face failed. Jagamman then suggested to Raja Askaran that Ram Sah was in collusion with the enemy.

ये चारो भैया हैं एक

“The four brothers are in collusion.”

Askaran made no secret of the affair and plainly told Ram Sah that the enemy was his brother and that his profession of loyalty was a hoax. Raja Ram was touched to the quick and in the morning a storm was ordered. Maya Ram was killed and after a very short engagement the imperial forces were routed. In the meantime, Khan Khanan Abdur Rahim reached Agra from the Deccan and was commanded to proceed to Pawawa with Daulat Khan.¹ The Khan Khanan was as unsuccessful in his attempts to arrest Bir Singh Deo. He had then recourse to a stratagem and invited Bir Singh to come over to him promising to increase his *mansab*. Bir Singh appeared, was given a *khilaat* and ordered to accompany the Khan Khanan to the Deccan. On reaching Berar, Bir Singh suspected something wrong and requested the Khan Khanan to restore Baraun to him. Abdur Rahim replied that he could give him whatever he wanted from the Deccan. Bir Singh said that a *jagir* in the Deccan would be of no use to him, that in Baraun he would with his Rajputs more usefully serve the Emperor, and that unless Baraun was restored to him it was impossible for him to stay there. So saying he went to his camp and communicated his thoughts to Sangram. Sangram took a solemn oath to keep the matter a strict secret and it was decided to decamp at once, each separately. Bir Singh went away on a pretence of hunting and came in all haste to his country. When he reached the place the imperial outposts (*thanas*) all fled. Sangram played false and after a few days went over to the Khan Khanan and told him that Bir Singh on reaching home would either turn him out or kill him, and that Daulat Khan may be asked to accompany him to Bundelkhand. Daulat Khan went to Gwalior. Bir Singh then went over to Pawawa and with the help of his brothers Raos Bhopal, Indrajit and Pratap resolved to fight. Daulat Khan did not find it expedient to meet him and went back to the Deccan. The wily Sangram

¹ For an account of Daulat Khan, see M. U. B. T., p. 464.

whose machinations were not known to the unsuspecting Bir Singh, thus baffled, came to Orchha and as he was a nephew was welcomed. This was the first attempt of the father and son to ruin Bir Singh Deo. Shortly afterwards Ram Sah placed his hand on the Saligram stone (a solemn oath among Hindus) and said, "I promise to protect you though I shall serve the Emperor." The brothers thereafter lived for some time in peace. When Prince Murad died Akbar marched towards the Deccan. The first halt was made in Dholpur. Ram Sah on hearing of Akbar's arrival went to Baraun and met the Emperor in Gopachal. Here Ram Kachhwaha undertook to produce Bir Singh before the Emperor and a *firman* was issued at once. Bir Singh received timely warning and as the poet has it, like a lion on the approach of a troop of elephants, left his den. Ram Sah then represented to Akbar that if Baraun were given to him he would kill both Indrajit and Bir Singh, and relieve the Emperor of his anxiety in Bundelkhand so that he may be free to go to the Deccan. Akbar promised to make him a *panjhazari* if he succeeded. If, however, he allowed Bir Singh to escape or showed any indulgence to him, all the Bundelas would be exterminated. Raj Singh was ordered to accompany Ram Sah and to besiege Baraun. Here they found Bir Singh fully prepared for defence and they therefore had recourse to a stratagem. A message was sent to Bir Singh to leave Baraun for two days and they would raise the siege. Bir Singh refused to believe this. Raj Singh thereupon gave a solemn assurance to him that he had no personal grudge against him, that he had only promised to the Emperor to occupy Baraun and that after two days Bir Singh Deo would be free to come back. Bir Singh Deo thereupon agreed relying on Providence to punish Raj Singh if he played false. He left Baraun. It may be interesting to note how the assurance was given. The family priest Anandi, Kunwar Har Bans, Deva Payak, with an image of the Lord were requisitioned to witness the undertaking. Bir

Singh was also told that Ram Sah was his elder brother after all. As soon, however, the place was vacated, Ram Sah appeared in his true colours and told Raj Singh that Baraun had been given to him by the Emperor, and therefore when Bir Singh came back after a few days, and was sleeping with a few followers in his house, he was attacked unawares. Bir Singh and his brave retinue were however too strong for the ruffians and drove them back. This is enough to show that Bir Singh was only ambitious and did not deserve the title of unscrupulous given to him by the author of the *Orchha Gazetteer* and the person who most deserved the epithet, was his elder brother Ram Sah. Bir Singh made no aggressions on his brother's territories and always entertained the highest regard for him, as also for his son Sangram Sah. The step taken by Ram Sah was *khair-khwahi*, pure and simple and in the accomplishment of this *khair-khwahi* he cared not for *fraternitas*, oaths or affirmations.

In the meantime, to use Keshava Dás's metaphor, the gallantry of Mewar had changed the Emperor from a cobra to a coil of ropes and Akbar with his son and Man Singh, came back to Agra very much discomfited.

I now come to the most important part of the book in which the circumstances under which Abul Fazl was killed, are described in detail. Bir Singh held a council with his courtiers Mirza Govind Jadava Gaur, Mukut and others and expressed his difficult position when there was dissension in his own family and the Emperor was his enemy. On this Mukut remarked that the Emperor was himself in a fix on account of the insurrection of the Rana (Rana Pratap) and the conduct of the Crown Prince Salim. Mirza Govind Das then remarked that it will be best, therefore, to approach Salim as it was expedient to have a supporter. To this Bir Singh agreed and they all started at once towards Allahabad ¹

¹ Malleon called it a semi-independent province.

where Prince Salim was Governor. On reaching Ahi Chhatra he met Syed Muzaffar Ali and explained his position to him. Muzaffar advised him to go to Prince Salim at once and assured him that the Prince would receive him as a trusted servant. A halt was made at Shahjatpur ¹ and the next day the party reached Allahabad. Here Bir Singh Deo bathed in the holy Ganges and gave a beautifully caparisoned elephant to the *ghat*-keeper. On returning to his camp he found Sharif Khan waiting for him. Sharif Khan told him that Prince Salim was the guardian of his person (*tanatran*). He next went to see the Prince and received a most hearty reception and valuable presents. The visit was repeated for several days. On one occasion the Prince invited Bir Singh to a private interview and after making a solemn vow of friendship asked him to be in constant attendance on him. Bir Singh respectfully consented and the gist of the Prince's reply as given in the book is as follows:—

“You are my two eyes, you are the strength of my arm, you are my minister and you are my friend. I shall die for you.”

Bir Singh said that he would be an infidel if he obeyed any other master. The Prince then opened his heart to him. This conversation is extremely important and I reproduce it in full.

•Prince—

“जितनी कुल आलम परवीन ।
 यावर जंगम दोई दोन ।
 तामे' एकै बैरी लेख ।
 अब्बल फजल कहावे सेख ॥
 वह सालतु है मेरे चित्त ।
 काढ़ि सकै तो काढ़े मित्त ॥

¹ Now a railway station on the E. I. R.

जितने कुल उमरावनि जानि ।
 ते सब करत हमारो कानि ॥
 आगे पीछे मन आपनै ।
 वह न मोहिं तिनका करि गनै ॥
 हजरत को मन मोहित भयो ।
 याके पारे अन्तर पखो ॥
 सत्वर ताहि बुलायो राज ।
 दक्खिन ते मेरे ही काज ॥
 हजरत सों जो मिलि हैं आनि ।
 तो तुम जानो मेरो हानि ॥
 वेगि जाउ तुम राजकुमार ।
 बीचहि वासों कौजै रारि ॥
 पकरि लेहु कै डारो मारि ।
 यह मता निहचै करो बिचारि ॥
 होइ काम यह तेरे हाथ ।
 सब साहिबो तुम्हारे साथ ॥”

In the whole of this intelligent world,
 Inanimate and animate of the two religions,
 Among them I consider only one man as my enemy,
 And he is called Shaikh Abul Fazl.
 He is rankling in my heart like a thorn,
 My friend, pull it out if you can.
 All the *umraos* (courtiers) that I know of,
 All of them honour me.
 Before me and behind me in his heart
 He cares not a straw for me.
 He has poisoned the heart of His Majesty.
 It is he who has sown dissension between us,
 He has been summoned in haste by His Majesty
 From the Deccan for my sake.
 If he meets His Majesty

You may be sure I shall be seriously injured.
 You therefore depart in haste
 Intercept him and pick up a quarrel,
 Make him a captive or kill him,
 Keeping in your mind that it is for my benefit.
 Let this deed be done by you
 And all authority will wait on you.

Bir Singh did not readily agree to the proposal and fearlessly replied.

वह गुलाम तू साहेब ईस ।
 तासो इतनो कीजहि रोस ॥
 प्रभु सेवक की भूल बिचारि ।
 प्रभुता रहै जो लेइ संभारि ॥
 सुनिय तुहे हजरत की चित्त ।
 मंदी लोग कहत हे' मित्त ॥
 तो लगि सादि करै जो रोस ।
 कहिए तो केहि दोजै दोस ॥
 जनकी युवती कैसी रीति ।
 सब तजि साहिब ही सां प्रीति ॥
 ताते वाहि न कीजै रोष ।
 छाँड़ि रोष कीजै संतोष ॥

सहसा कछु नहि कीजिये कीजै समय बिचारि ।
 सहसा करैते घटि पैर अरु आवै जग गारि ॥

He is your servant, you are his master.
 So much wrath against him is improper.
 A master on seeing the fault of his servant
 Tries to condone it and there lies his superiority.
 It is heard that His Majesty's mind
 Is reflected in the councils of his ministers,
 If His Majesty is displeased
 Who else can be blamed for it ?

A servant is like a faithful wife
 She follows her husband and does not care for anybody
 else

No fault there attaches to him.

You must therefore appease your anger,

And be content with your misfortune.

Nothing should be done without deliberate consideration ;

The act recoils upon oneself and the whole world blames
 the doer.

Said Prince Salem,

वरन्धो मीत मतेको सार ।

प्रभुजनको अब यहै विचार ॥

जो लगि यह जीवत है खेख ।

तो लगि मोहि सुनो ही लेख ॥

सबै बिचार दूरकरि चित्त ।

बिदा होइ तुम अबहीं मित्त ॥

My dear friend, your advice is most proper

A master must always act accordingly ;

But please remember that so long as the Shaikh is living
 I am a dead man.

All considerations must be eschewed from the mind,

And you go, my friend, at once.

The prince thereupon dressed him in armour, tied his own sword round his waist, gave him a *saropa* and a horse and sent him off with Syed Muzaffar Ali. No halt was made in the way till the party reached Baraun. Spies were sent and they brought the news that the Shaikh had reached Narwar. Bir Singh Deo at once crossed the river Sindh and lay in wait for the Shaikh. The Shaikh, in the meantime, reached Paraichha and having halted there for the night started early in the morning. Bir Singh advanced and Shaikh on hearing his name was mad with fury and ran towards him whereupon a Pathan held the reins of his horse and said, "This is not the occasion for

fighting, don't go in the face of the enemy. Let us run away as fast as we can; the king will be pleased to see you. Remember, that Prince Saleṃ is your enemy."

Shaikh—

How can I run away.

A warrior must die where he is molested.¹

Bir has taken away my horsetail banner.

It will be a shame to run away.

Said the Pathan, "It is also the duty of warriors to kill their enemy before dying. You have lost the banner, if you will escape unhurt, many such banners will be made for you." Said the Shaikh, a little irritated,—

मैं बल लीनों दक्खिण देस ।
 जीव्यों मैं दक्खिणी नेरस ॥
 साहि मुराद खर्ग जब गये ।
 मैं भुव भार आपुसिर लये ॥
 मेरो साहि भरोसो करै ।
 भाजि जाउं मैं कैसे घरै ॥
 कह्यो यों आलम लोग गँवाय ।
 कहिहौं कहा साहि सों जाय ॥
 देखत लियों नगारो आय ॥
 कहा बजाजं हौं घर जाइ ॥
 घरकी मेरी पाइन परै ।
 मेरे आगे हिन्दू लरै ॥

I have conquered the Deccan,
 Defeated the king of the country.
 When Prince Murad went to Heaven,
 I took the responsibility of the administration on my
 shoulders.

¹ Cf. Chand Bardai.—गजबसिंह सापु बस जंहराबनै तहंमुझै । A man should be like a lion or an elephant. He fights whenever he is molested.

The Emperor has full confidence in me
 How can I run away home,
 If I follow your advice after losing the banner
 What explanation shall I give to the Emperor?
 If my kettle drums are taken away from me,
 What shall I beat when I shall reach home?
 In my house people fall at my feet,
 How will the Hindu fight against me?

Pathan—

सेख विचारि वित्त महँ देखु ।
 काजु अकाजु साहि कौ लेखु ॥
 सुनु नवाब तू जूझहि तहां ।
 अकबर साहि विलोकै जहां ॥
 प्रभुपै जाइ जमातिहि जोर ।
 सोकसमुद्र सलेमहि बोर ॥

Don't be rash, consider
 The business of the Sovereign.
 If you wish to die at all
 Die where the Emperor Akbar sees you
 Go straight to your lord and master
 And drown Prince Salim in the ocean of
 sorrow.

Shrikh—

तू जु कहत चलि जैये भाजि ।
 उठे चहँ दिसि बैरी गाजि ॥
 भाजे जातु मरनु जो होइ ।
 मोको कहा कहै सब कोइ ॥
 जो भजिये लरिये गुन देखि ।
 दुह्र भाँति मरिबोई लेखि ॥
 भाजौ तो जो भाजो जाइ ।
 क्यों करि देह मोहि भजाइ ॥

पति की बेरी पाय निहार ।
 सिर पर साहि मया को भार ॥
 लाज रहौ अँग अँग लपटाइ ।
 कहू कैसे के भाजो जाइ ॥

You say, run away,
 The enemy is thundering on all sides.
 If I am killed running away,
 What will the people say of me ?
 Both in running and in fighting death is certain.
 I shall run away if I can,
 But I have the fetters of honour in my feet
 And the burden of the Emperor's love on my head.

The Shaikh thereupon drew his sword¹ and rushed towards the enemy. In whatever direction he ran, the assailants fled in consternation. The description of the Sheikh's bravery on this occasion as given by the Hindi poet is exceedingly spirited. The contest was fierce ; arrows and bullets were showered and the Shaikh was hit in the chest by a ball. After the contest Bir Singh Deo went up to him and saw his body smeared over with perfume and rolling in blood. His joy was tainted with grief and he cut off the Shaikh's head and went to Baraun.

(To be continued.)

SITA RAM.

¹ The Shaikh did not approve of incurring the disgrace of flight and manfully paid away the coin of life (M. U. B. T., p. 123).

BIR SINGH DEO—II

It will be seen that Keshava Dás who evidently composed his book on information given by either Bir Singh Deo or his party makes no attempt to defend his patron and does not make much fuss about cutting off the head. Asad Beg, one of the Shaikh's retinue as quoted in Elliott's History of India (V. I. 154) gives further details. "The Sheikh was mortally wounded by a blow from a spear. Bir Singh came up soon after and dismounted and taking Abul Fazal's head upon his knees, began to wipe his mouth with own garmentjust then the Sheikh unclosed his eyes. Nar (Bir) Singh, sitting as he was, saluted him,.....the Sheikh looked bitterly at him, Nar Singh swore that he would carry him safely to Akbar. The Sheikh began to abuse him angrily. Nar Singh's attendants told him he would not be able to convey him away, for the wound was mortal.....Nar Singh then rose from the Sheikh's head and his attendants despatched him, and cutting off the head of the great one started off meddling with no one else, but even releasing those whom they had taken prisoner."

You will thus see that in waylaying and killing Abul Fazal, Bir Singh Deo was not a willing agent and that Abul Fazal, though previously warned and prevented by a Pathan, arrogantly courted his death. Bir Singh Deo was, so to speak, between the devil and the deep sea. He had dissension in his family and had incurred the displeasure of the Emperor. The only course open to him was to seek the protection of Prince Salim and the Prince was not on good terms with his father. It must be noted that the Prince was the fruit of great prayers and penances. Jehangir himself says in his *Tuzuk*: "My revered father, to fulfil a vow which he had made for my birth, travelled on foot from Fatehpur to Ajmer, a distance of 120 *kos*,¹ to pay his respects to the mausoleum of His

¹ A *Kos* in Agra is still more than a mile. It is locally called गज कोस.

Holiness Khwaja Moin-ud-din-Chishti." Akbar and his wife walked three miles a day on carpets spread on the road. The saint's representative advised him to approach his brother Shaikh Salim Chishti who lived in Fatehpur Sikri. Akbar obeyed and by the favour of the holy man was blessed with a son who was named Salim after the saint. A small tomb on the back of the mausoleum is pointed out as that of the Shaikh's son Balaji and it is said that the precocious child on hearing the earnest appeal of the Emperor, offered to die, after the manner of the adjustment of the budget allotment of lives, to be born again as heir to the empire of India. Akbar wanted his son to be a model of virtue. The Prince, however, was a spoilt child. In the prime of his youth he fell in love with Anar Kali, "a favourite slave girl of Akbar." She was one day seen returning a smile from Salim and Akbar, following the example of the fond nurse who beats the stone when the child in her charge knocks his head against it, had her buried alive. This was a gross abuse of the authority of parents and Salim could never be expected to forgive his father. In 1600, while Akbar was still alive and Jahangir was then in his thirty-first year, he built for her a tomb which is still one of the imposing buildings of Lahore at the end of one of its most important streets named Anar Kali which immortalises her pet name and contains the following Persian inscription which proclaims his great passion to posterity and shows that if she had been alive, Mehr-un-nisa would have possibly lived and died as the faithful wife of Sher Afgan and would have never been elevated to the rank of the Light of the World.

*Ah gar man baz binam rue yâr-e-khesh ra
Ta qayamat shukr goyam Kirdigarekhesh ra*

Ah! could I behold the face of my beloved once more,
I would give thanks unto my God unto the day of resurrection.

On the north face of the grave there is a still more impressive record of Salim's love—*Majnun Salim Akbar*.

It is also possible that after Akbar had reigned for 40 years and as he was in excellent health, Salim became anxious to secure the throne, an anxiety which was subsequently successfully translated into practice by his grandson.¹ "Ministers," as Bir Singh Deo rightly says, "must follow the bent of their sovereign, but a minister is after all a servant and the Prince Imperial is the future Emperor." If, as Bir Singh Deo says, it is the duty of a minister to obey his sovereign, it is also the duty of the heir-apparent to condone his faults. Both Keshava Dás and the author of the *Maasir-ul-umara* agree in the fact that Akbar had summoned Abul Fazl in hot haste from the Deccan to devise means for punishing the Prince. It is difficult, therefore, to say who was in fault. Abul Fazal was a literary man and though literary men are always bunglers in politics, the sympathies of historians who are also literary men are with him and the man who caused his death has committed an exceedingly wrongful act in prematurely depriving the world of the services of a scholar who has given such a beautiful account of Akbar's administration.

Abul Fazl's abilities were unquestionable but from contemporary records it appears that he was not very popular either with the Hindus or with the Musalmans of his time. Keshava Dás says that when the event came to be known in the Emperor's harem, the Hindu ladies were jubilant and there were rejoicings and music among the Rajkumaries. The writer of the *Maasir-ul-umara* says that "the abilities and learning of the two brothers (Abul Fazl and Faizi) were of such a high order that none of their contemporaries could grapple with them; they, who in origin were no better than the sons of a mendicant (*darveshzada*)

¹ Salim had assumed royal title in 1601.

and were in indigence, all at once attained to intimacy and influence with the sovereign." Jehangir who required twenty cups of wine daily may be charged with hypocrisy in saying that he instigated Bir Singh Deo to kill Abul Fazl because he was instrumental in bringing about the apostacy of Akbar and may be telling a lie that after the death of Abul Fazl his father's views changed. The *Maasir-ul-umara*, however, can be charged with no sinister motives and distinctly says that "he with his brother indoctrinated the king with rationalistic and sophistical principles." Khan Azam (Aziz Koka), the foster-brother of Akbar, composed the following *tarikh* of Abul Fazl's death :—

"The wondrous sword of God's Prophet severed the rebel's head" (1011), *i.e.* (1602 A.D.) The *Maasir-ul-umara* also remarks, "The assertion that the Shaikh was an infidel is upon the lips of high and low. Some reproach him with being a Hindu in religion, and some call him a fire-worshipper, and entitle him a secularist. Some even carry their disgust so far as to call him impious and an atheist." Abul Fazl's head was carried by Champat Rai Bargujar and Bir Singh's party after a few days' halt at Baraun went to Prince Salim in Allahabad. When the head was placed before the Prince, he was enraptured and said,

बीरसिंह की यह ई ठई	हमको सकल साहिनी एई ।
बीरसिंह हमें लोह मोल	करो साहिबी निपटान डोल ।
राख्यो आज हमारो राज	अब हम देहै' उनको राज ॥

"Bir Singh, you have given an empire to me, you have established my authority as firmly as possible and I have become your purchased slave for life. You have given a kingdom to me, I shall give a kingdom to you." A gold plate with pearls and other materials for anointing king (*Tilak*) was at once sent for and Bir Singh was declared Raja of Bundelkhand. A spear studded with precious stones, a royal umbrella and a

pair of *chauries* were presented to him. The *Orchha Gazetteer* says that the sword of Abul Fazl was also handed over to Bir Singh Deo and it is still kept carefully in the darbar. Keshava Dás, however, makes no mention of it. Champat also received a valuable *khilaat* and Bir Singh was dismissed with all honours due to a king. A Brahman was also sent with him and on an auspicious day, Bir Singh was installed Raja of Bundelkhand.

When the news of Abul Fazl's death reached Agra the Emperor at first did not believe it. He questioned his courtiers and nobody gave him a reply. After some time, Ram Das said that the Shaikh had sacrificed himself in the cause of his master. Akbar was overwhelmed with grief and fell down in a swoon and there was a general mourning in the court and the palace. When he came to his senses, he asked Ram Das if Abul Fazl was killed by a wild animal or died fighting an enemy. Ram Das then told him that the Shaikh was killed by Bir Singh Deo at the instigation of Prince Salim. Khan Azam (Aziz Koka), Ram Kachhwaha, Shaikh Farid, Rao Bhoj, Durga Rao, Jagannath and others headed by Tripur Khattri then approached the Emperor and tried to console him. Akbar said, "I am dying, show me the Shaikh. Life has been bereft of its pleasures for me." Khan Azam, his favourite foster-brother, then told him that there were several servants of His Majesty as good as Abul Fazl and death is inevitable. Akbar then said, "I have patronised several, it is now your time to serve me. Go and produce the murderer before me." Raja Ram thereupon offered to go on condition that Sangram would accompany him. Akbar told him that if Bir Singh and Indrajit could be punished, Kachhowa and Baraun would be given to him. Rai Rayan (Patra Das) also went with them and on reaching Gwalior

¹ U. B. T., p. 333.

² M. U. T., p. 123.

³ U. B. T., p.

⁴ M. U. T., p. 124.

⁵ M. U. T. p. 124.

they were joined by Tripur. When Prince Salim heard of it, he wrote to Bir Singh Deo that the Emperor was furious against him and that he should not meet the imperial army face to face. Bir Singh thereupon left Baraun and went over to Datia. Ram Sah then with Rai Rayan and Tripur marched against Datia and Bir Singh then shifted to Erich. Here he was besieged by the imperial forces. The Pathans tried to take the fort by storm but Hari Singh met them with a volley of balls and arrows and Jamal, the son of Khan Zaman, was killed. This caused a panic in the army and Bir Singh found an opportunity of escaping not as the *Maasir-ul-umra* says "through an opening in the wall"¹ but beating his drums and displaying his colours and trampling under foot the camp of Tripur. This escape is graphically described by Keshava Dás in two *kavittas*. Nobody had the courage to pursue him and Bir Singh went unmolested to Datia where he found Prince Salim waiting for him. Thus baffled the imperial generals went back to Agra. Finding the place vacated, Sangram Sah occupied Bhanrer. Bir Singh Deo remained in Datia and his brother Hari Singh Deo established himself in Bhasneh. Hari Singh, however, was killed in his attempt to expel Kharag Rao from Lachura. Bir Singh on hearing of the death of his brother was very much grieved and found it expedient to make an alliance with Sangram Sah. As a result of the agreement, Bir Singh obtained Bhanrer and requested Sangram to drive out Kharag Rao. Kharag Rao was killed in Amlauta and Sangram thus became master of Lachura. Kharag Rao's head was cut off and sent to Prince Salim.

Akbar was pained to hear that the Prince was encouraging the rebels in Bundelkhand and sent Ram Kachhwaha to him. The Kachhwaha told Salim that Bir Singh was as bad as Raja Basu and if he could be arrested and made over

¹ M. U. B.&T., p. 412.

to Sharif Khan, the Prince will be invested with all authority. Salim smiled and said, "Ram Das, God alone can give authority to whomsoever He likes. He is master of Heaven and Hell; His will can make a poor man a king and a king can become a pauper. Don't tempt me. See Bir Singh in me. He has established my claim to the empire of the world. How can you expect me to hand him over to you? I shall ever be ready to suffer any distress with him. Empire itself will be of no use to me without him. Ram Das, you have always been my well-wisher. If some other man had spoken to me as you did, I would have killed him then and there and therefore you go in peace." Salim thereupon went to Allahabad and Ram Das to Agra and explained what had happened to the Emperor. Akbar said nothing. In the meantime, the brother of Kharag Rao who had been killed at the time of the expulsion as noted above, appealed to the Emperor. The Emperor's resentment knew no bounds. Ashraf Khan then submitted that Indrajit should be made Raja of Bundelkhand. Akbar agreed and going to *Jharoka* saw Indrajit. Indrajit saluted him and was granted a *siropao*. He next asked his courtiers where Bir Singh was. When no reply was received he burst into tears.

After a few days Ram Das advised the Emperor to explain to Indrajit the necessity of restoring peace in Bundelkhand and as a reward offered him the Raj of Orchha. Indrajit replied that he was ready to obey the Emperor's commands but that he would never accept the Raj which belonged to his elder brother. Akbar was displeased and next offered the Raj of Bundelkhand to Tripur. It was also considered diplomatic to send for Salim and Tripur was deputed to bring the Prince to the Court after assuring of the Emperor's profound affection to him, especially as Akbar's mother had died lately and he was disconsolate. When the messengers went to Salim, Salim at first hesitated. Bir Singh said, "Prince, you should do all in your power to please the Emperor, your father.

If this unpleasantness between father and son can be removed, make me over to the Emperor. It will be no great loss to you if you lose one faithful servant." Salim replied, "If I make over my old friend to please the Emperor whom shall I exalt in my rule. Please don't say such things to me. Have no fear so long as I am living." Salim then went to Agra where according to Keshava Das, he was very badly treated (*Sah bahut tinkon dukh dae*), and Bir Singh and Sangram went back to Orchha.

Tripur was next sent with a large army to Orchha and encamped within a mile. He was assisted by Raj Singh and Ram Singh Kachwahas, Bhadaurias, Chauhans and Jats. Raj Singh seems to have taken over the command himself, as Keshava Das calls Raj Singh's honour as a beautiful bride and his assistants are allegorically described as various parts of her body, *e. g.*—

भानि भेदरिया भूतल भालु ।
 शकुटि भेटि भाटी भूपालु ॥
 कच्छवाहै कुल कलित कपोल ।
 नैषध नृप नासिका अमोल ॥
 सुख ठख माठ चिबुक चंदेल ।
 श्रीवा गौर सुवाहु बघेल ।
 कुल कनौजिया कंचलि चार ।
 कुच करबुली कटार विचार ॥

"The Bhadaurias were her forehead, the Bhatias were the eyebrows, the Kachwahas her cheeks, the Chandels formed her chin, the Baghels were her arms, the Karchulis were her breasts." The battle was fought on the banks of the Betwa and is painted by the poet as the marriage of Maharaja Bir Singh Deo with Raj Singh's honour. The battle raged furiously, Bir Singh being assisted by Sangram and Rao Pratap. Raj Singh was captured but he was sent back to the Emperor's army with all honours. Akbar's disappointment was great,

and he commanded his Musalman generals to go either to Haj, or to live as subjects of Bir Singh Deo. Shortly after Akbar fell ill and died, and Jehangir ascended the throne. One of his first thoughts was to summon Bir Singh Deo and he wrote a letter to him with his own hands. The messenger found Bir Singh Deo in Dang Chaukia. Bir Singh on receiving the *firgan* went to Agra with his brother Indrajit. His reception in the court was extremely cordial and he was loaded with presents. Indrajit and Bharat Sah were also introduced and received presents. Bir Singh was granted the highest seat in the Darbar and was thus addressed by Jehangir, "Bir Singh, you have suffered much for my sake. Now this empire is yours. I have given to you the whole of Bundelkhand. The man who does not honour you will be punished. You can now go home." Bir Singh made his obeisance and went to his lodging to think over the matter. Next day he again appeared and submitted that he could not take Jatahra¹ which was an imperial outpost in his dominions. On this Sharif Khan replied, "Bir Singh, you are master of the country. A Mogul outpost in your dominions will always be a source of trouble to you." At the time of departure some more *parganas* were added to Bir Singh's dominions and he went back to Erich.

It is needless to say that Ram Sah was dissatisfied at his being thus deprived of his kingdom and made some show of resistance. Bir Singh's authority, however, was established with the help of the imperial forces and Ram Sah was captured and produced before Jehangir. He was, however, given Chanderi and Banpur as his *jaagir* and three years after gave his daughter in marriage to the Emperor.

¹ Jatahra is the Jatra of Abul Fazl and was the head-quarters of a mahal in the Erich Sarkar of the *subah* of Agra. It was named Islamabad by Islam Sah Sur. Islam, however, also called Salem, was defeated by Bharti Chand and the old name was restored. The place contains a number of old Muhamadan buildings. It is now the head quarters of a *taluk* of the state.

Thus ends my summary of *Bir Singh Deo Charita*. We have now seen enough of Bir Singh Deo to conclude that there is nothing in his character derogatory to his dignity as one of the greatest warriors, a most sensible statesman and a man of strong personality. He was the most famous of all the Rajas of Orchha and his dominions extended from the boundary of Gwalior to the west of Rewa divided into 81 parganas containing about 125,000 villages. Jehangir says that "Bir Singh was as brave, kind-hearted and pure as any man of his age" and the various stories of his kind-heartedness and regard for the welfare of his subjects now current in Bundelkhand, show that Jehangir's estimate of his character was hardly exaggerated.

APPENDIX A

The temple "beyond all doubt the last of the famous shrines of Kesava Deo, was built so recently as the reign of Jehangir at a cost of 33 lacs by Bir Singh Deva Bundela of Orchha" and was destroyed in 1639 in the eleventh year of the reign of Aurangzeb who had descended in person on Muttra.¹ It was seen standing by Bernier in 1663 who writes as follows:—

"Between Delhi and Agra, a distance of fifty or sixty leagues, there are no fine towns, the whole road is cheerless and uninteresting; nothing is worthy of observation but Mathura, where an ancient and magnificent pagan temple is still to be seen." The plinth of the temple-wall was traced by General Cunningham for a distance of 163 feet, and there is no reason to believe it extended still further.

¹ Grouse's *Memoir of Mathura District*, p. 66.

The building is described at considerable length by Tavernier, who saw it about the year 1650. He writes :—
“After the temples, Jagrenath and Banarous, the most important is that of Mathura, about 18 *kos* from Agra on the road to Delhi. It is one of the most sumptuous edifices in all India, and the place where there used to be formerly the greatest concourse of pilgrims ; but now they are not so many, the Hindus having gradually lost their previous veneration for the temple, on account of the Jamuna, which used to pass close by, now having changed its bed and formed a new channel half a league away. For, after bathing in the river, they lose so much time in returning to the temple, and on the way might come across something to render them unclean.

“The temple is of such a vast size that, though in a hollow, one can see it five or six *kos* off, the building being very lofty and very magnificent. The stone used in it is of a reddish tint, brought from a large quarry near Agra. It splits like our slate, and you can have slabs 15 feet long, and nine or ten broad, and only some six inches thick ; in fact, you can split them just as you like and according to your requirements, while you can also have fine columns. The whole of the fort at Agra, the walls of Jehanabad, the king's palace, and some of the houses of the nobles are built of this stone. To return to the temple.—It is set on a large octagonal platform, which is all faced with cut stone, and has round about it two bands of many kinds of animals, but particularly monkeys, in relief ; the one band being only two feet off the ground level, the other, two feet from the top. The ascent is by two staircases of 15 or 16 steps each ; the steps being only two feet in length so that two people cannot mount abreast. One of these staircases leads to the grand entrance of the temple, the other to the back of the choir. The temple, however, occupies only half the platform, the other half making a grand square in front. Like other temples, it is in the form of a

cross, and has a great dome in the middle with two rather smaller at the sides. Outside, the building is covered from top to bottom with figures of animals, such as rams, monkeys, and elephants, carved in stone; and all round there are nothing but niches occupied by different monsters. In each of the three towers there are at every stage from the base to the pinnacle, windows five or six feet high, each provided with a kind of balcony, where four persons can sit. Each balcony is covered with a little vault, supported some by four, others by eight columns arranged in pairs and all touching. Round these towers there are yet more niches full of figures representing demons, one has four arms, another four legs; some human heads on bodies of beasts with horns and long tails twining round their thighs. There are also many figures of monkeys, and it is quite shocking to have before one's eyes such a host of monstrosities.

“The pagoda has only one entrance, which is very lofty with many columns and images of men and beasts on either side. The choir is enclosed by a screen composed of stone pillars, five or six inches in diameter, and no one is allowed inside but the chief Brahmans, who make use of a little secret door which I could not discover. When in the temple, I asked some of the Brahmans if I could see the great Ram Ram, meaning the great idol. They replied that if I would give them something, they would go and ask permission of their superior; which they did as soon as I had put in their hands a couple of rupees. After walking about half an hour, the Brahmans opened a door on the inside in the middle of the screen—outside, the screen is entirely closed—and, at about 15 or 16 feet from the door, I saw, as it were, a square altar, covered with old gold and silver brocade, and on it the great idol that they call Ram Ram. The head only is visible, and is of very black marble, with what seemed to be two rubies for eyes. The whole body from the neck to the feet was covered with an embroidered robe of red velvet, and

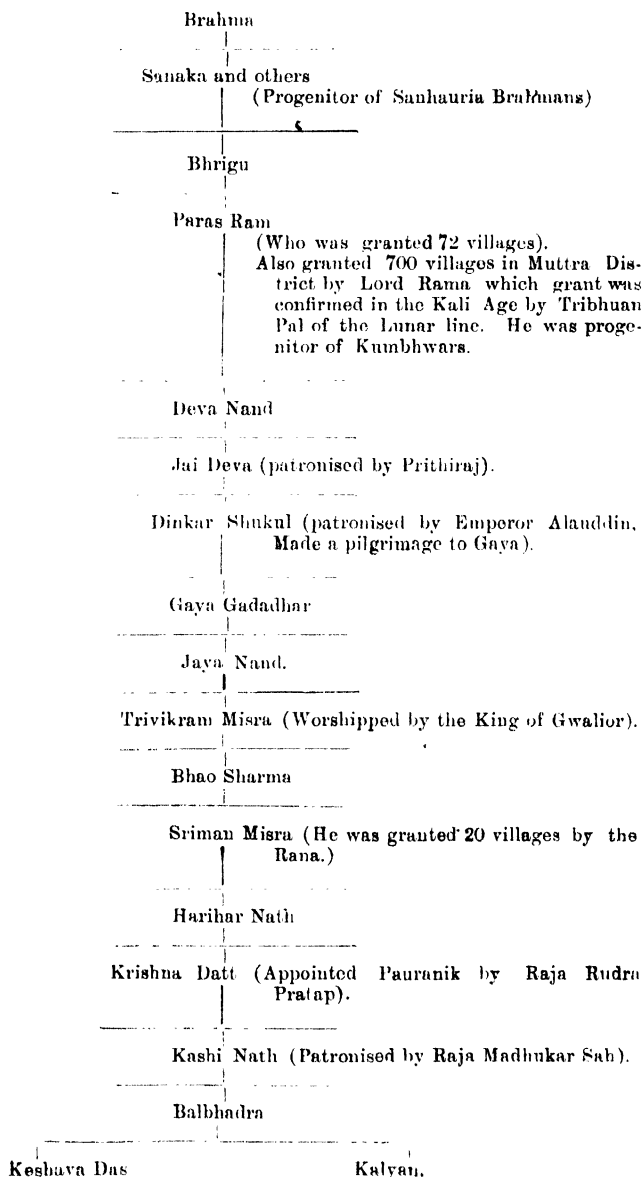
no arms could be seen. There are two other idols, one on either side, two feet high, or thereabouts, and got up in the same style, only with white faces; these they called Bechor. I also noticed in the temple a structure 15 or 16 feet square, and from 12 to 15 feet high, covered with coloured cloths representing all sorts of demons. This structure was raised on four little wheels, and they told me it was the movable altar, on which they set the great god on high feast days, when he goes to visit the other gods, and when they take him to the river with all the people on their chief holiday."

From the above description, the temple would seem to have been crowded with coarse figure-sculptures, and not in such pure taste as the somewhat older temple of Govind Deva at Brindaban and Hari Deva at Gobardhan; but it must still have been a most sumptuous and imposing edifice, and we cannot but detest the bigotry of the barbarian who destroyed it.

APPENDIX B.

GENEALOGICAL TREE OF THE FAMILY OF KESHAVA DAS.

(According to Kavi Priya).

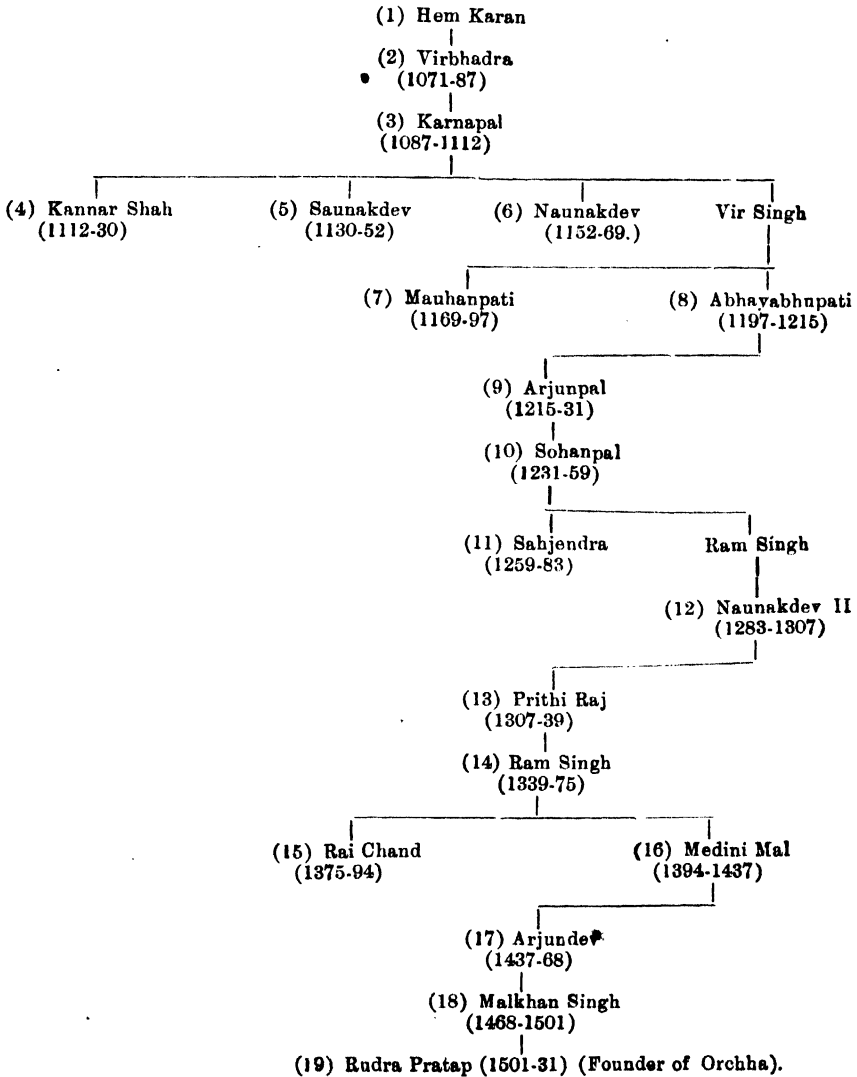


APPENDIX C.

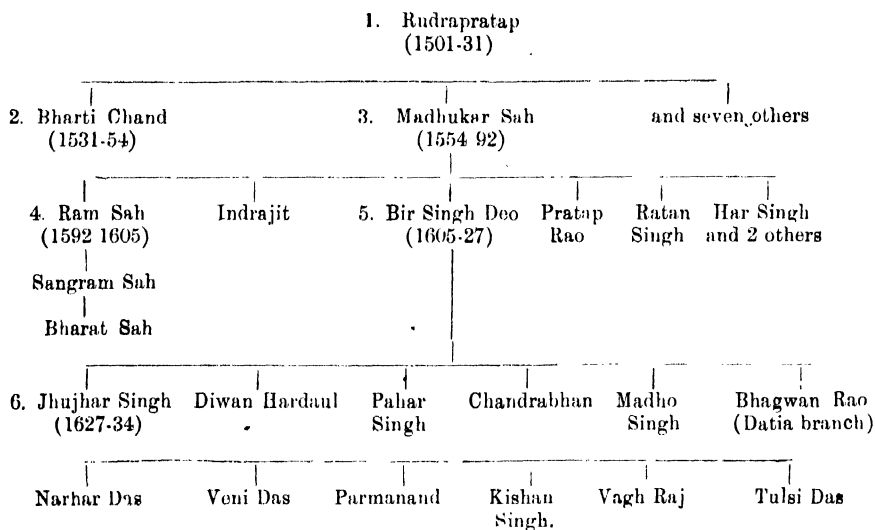
A GENEALOGICAL TREE OF THE ORCHHA FAMILY.

(Hem Karan to Bir Singh Deo.)

According to the Orchha Gazetteer, 1907.



APPENDIX C—(contd.)

A GENEALOGICAL TREE OF THE ORCHHA FAMILY FROM RUDRA PRATAP TO
SANGRAM SAH.

ভারতবর্ষে লিপিবদ্ধতার বিকাশ

প্রথম পরিচ্ছেদ

লিখনের উৎপত্তি

সুদূর প্রাগৈতিহাসিক যুগে যখন মনুষ্য সবেমাত্র মনুষ্যত্ব লাভ করিয়াছে, যখন তাহার মনে নানারূপ ভাবের উদয় হইত কিন্তু প্রকাশ করিবার ক্ষমতা ছিল না, তখন সেগুলি ব্যক্ত করিবার আগ্রহাতিশয় হেতু তাহার যেমন বাগ্‌যন্ত্রের বিকাশ হইয়াছিল এবং যেমন সেই বাগ্‌যন্ত্রের সাহায্যে সে তাহার সম্মুখস্থ ব্যক্তির নিবট ভাষা দ্বারা ভাব ব্যক্ত করিতে সমর্থ হইয়াছিল, তেমনই পরবর্তী কালে যখন সে সভ্যতায় অগ্রসর হইয়াছিল, তখন দূরস্থ ব্যক্তির নিকটও মনোভাব ব্যক্ত করিবার জন্য একটা ব্যগ্রতা উৎপন্ন হইয়াছিল, এবং ঐরূপ হওয়াই খুব স্বাভাবিক। নিকটস্থ ব্যক্তি অশ্রের মনোভাব কর্ণের দ্বারা গ্রহণ করে, কিন্তু দূরস্থ ব্যক্তির পক্ষে তাহা সম্ভব নয়। তবে কি করিয়া দূরস্থ ব্যক্তির নিকট মনোভাব প্রকাশ করা যাইতে পারে? তখনকার সময়ের পক্ষে ইহা কম কঠিন সমস্যা ছিল না। হয় ত ইহার সমাধান হইতে বহু যুগ লাগিয়াছিল। যাহা হউক ক্রমশঃ ইহা অনুভূত হইল যে, কোন ভূমির উপর রেখাপাত দ্বারা মনোভাব কিয়ৎ পরিমাণে ব্যক্ত হইতে পারে এবং যে ইহা বুঝিতে চাহিবে তাহাকে চক্ষুর সাহায্য লইতে হইবে।

মনোভাব ইঙ্গিতের দ্বারা ও কথিত ভাষা দ্বারা ব্যক্ত হইতে পারে তাহা আদিম মনুষ্য বুঝিয়াছিল, কিন্তু রেখাদ্বারা ভাষা ব্যক্ত হইতে পারে প্রথমে সে ইহার উপলব্ধি করিতে পারে নাই। তখন সে কেবল ভাব প্রকাশের জন্যই ব্যগ্র। পরে সে চিত্র দ্বারা ভাব প্রকাশের চেষ্টা করিল। প্রথম প্রথম চিত্রের দ্বারা সম্পূর্ণ ঘটনা প্রকাশ করিবার চেষ্টা হইল। চিত্রের ভাষা নিত্যান্ত কৃত্রিম ভাষা নয়, ইহাকে এক প্রকারের স্বাভাবিক ভাষা বলিতে পারা

যায়, কারণ জাতি নির্বিশেষে ইহা বুঝিতে পারে, বোঝা কালার পক্ষেও ইহা বোঝা অসম্ভব নয়। তবে চিত্রটি যথাসম্ভব প্রকৃতির অনুরূপ হওয়া চাই। চিত্রবিদ্যা দ্বারা লিপিবিদ্যার কাজ চালাইতে হইলে চিত্রকরের নৈপুণ্য ও ক্ষিপ্ৰকারিতা আবশ্যক। তাহা সত্ত্বেও চিত্র নানা ব্যক্তির নিকট বিভিন্ন অর্থ প্রকাশ করিবে ইহা অনুমান করা যাইতে পারে। কিন্তু ক্রমশঃ বিশেষ বিশেষ সমাজ বা জাতির মধ্যে এক একটি ধারা অনুসারে চিত্র অঙ্কিত ও পাঠিত হইতে লাগিল। তথাপি এই প্রণালীতে স্থূল ইন্দ্রিয় গ্রাহ (concrete) বস্তু ভিন্ন অল্প বিষয়ের ভাব প্রকাশিত হওয়া অসম্ভব। সুক্ষ্ম অবচ্ছিন্ন (abstract) ভাবের প্রকাশ হওয়া সম্ভব হইতে পারে না।

ক্রমশঃ এক একটি চিত্র এক একটি ভাবের জন্য নির্দিষ্ট হইয়া গেল। ইহার পর হইতে চিত্রগুলি ক্রমশঃ সংক্ষিপ্ত ও ক্ষুদ্রায়তন হইতে লাগিল এবং চিহ্ন স্বরূপ ব্যবহৃত হইতে লাগিল। এই চিহ্নগুলি এক একটি ভাবের প্রতিনিধি স্বরূপ হইল। ক্রমশঃ বস্তুর সহিত তাহাদের কোনও সাদৃশ্য থাকিল না। ভিন্ন ভিন্ন দেশে যে একই ভাবের জন্য ভিন্ন ভিন্ন সঙ্কেত ব্যবহৃত হইত ইহাতে সন্দেহ নাই। ইহাও অনুমান করা যাইতে পারে যে লেখক ও পাঠক উভয়েরই এই সকল সঙ্কেত শিক্ষা করা আবশ্যক হইত। এইরূপ সাক্ষেতিক লিখন প্রণালীকে চিত্র লিখন প্রণালী বলে।

মনোভাব নানা প্রকারে প্রকাশিত হইতে পারে। অঙ্গভঙ্গী দ্বারা, মুখের ভাবদ্বারা, চক্ষুর চাহনি দ্বারা, শব্দের দ্বারা এবং রেখাপাত দ্বারা। সাধারণভাবে, যাহাদ্বারা মনোভাব প্রকাশ করা যায় তাহাই ভাষা। কিন্তু সাধারণতঃ লোকে যাহাকে ভাষা বলে অর্থাৎ যাহা মনুষ্যের বাগ্মন্তের দ্বারা প্রকাশিত হয়, তাহা চিত্র লিখন দ্বারা ব্যক্ত হয় না। ইহাদ্বারা কেবল ভাব প্রকাশিত হইতে পারে। সঙ্কেতগুলি ভাবের প্রতিনিধি স্বরূপ ব্যবহৃত হয়, ধ্বনির প্রতিনিধির কাজ করে না।

ভাষা কতকগুলি বাক্যের সমষ্টি। এক একটি বাক্যই ভাষার ক্ষুদ্রতম উপাদান (unit)। শব্দগুলি বা অক্ষরগুলি ইহার মূল নয়, কারণ ভাষায় শব্দের বা অক্ষরের স্বাধীন সত্তা নাই। প্রত্যেক শব্দের সহিত একটি না একটি বাক্য জড়িত আছে, তাহা প্রকাশ্য ভাবেই থাকুক বা অপ্রকাশ্য ভাবেই

থাকুক। অসভ্য বা অশিক্ষিত সমাজ বাক্যকে শব্দে বিশ্লিষ্ট করিতে পারে না, একটি শব্দকে ভাষার উপাদানভূত ধ্বনিগুলিতে বিশ্লেষণ করা তাহাদের কণা। ইহার প্রমাণ এই যে, শিশু কথা কহিতে শিখিলে বাক্যগুলিকে শব্দে বিশ্লিষ্ট না করিয়া অনর্গল বলিয়া যায়। সভ্যতার বুদ্ধি সহকারে ও ভাষার উন্নতি সহকারে বাক্যের উপাদানভূত বিভিন্ন শব্দের উপলব্ধি হয়। ভাষার জ্ঞান যখন আরও পরিপুষ্ট হয় তখন শব্দের উপাদানভূত বিভিন্ন ধ্বনির উপর দৃষ্টি পড়ে।

অসভ্য সমাজের লিখন প্রণালীতে প্রথম প্রথম এক একটি সমগ্র ঘটনার চিত্র অঙ্কিত করিয়া সেই ঘটনা প্রকাশ করিবার চেষ্টা দেখিতে পাওয়া যায়। চিত্রের পর চিত্র সাজাইয়া অসভ্য জাতিরা একটি সংবাদ পাঠাইত। সংবাদের অর্থ বুঝা অত্যন্ত দুর্বল ব্যাপার ছিল। সময়ে সময়ে সংবাদটি বিপরীত অর্থে গৃহীত হইত। সভ্যতার বুদ্ধি সহকারে ইন্দ্রিয়গ্রাহ্য পৃথক পৃথক বস্তু সম্বন্ধীয় ভাবের চিত্র অঙ্কিত হইতে আরম্ভ হয়। বহু পরে অতি সরল অবচ্ছিন্ন ভাবের সংকেত আবিষ্কৃত হয়। তখন চিত্রগুলি সংক্ষিপ্ত ও অন্য়তন হইয়া সংকেত মাত্রে দাঁড়ায়। তৎপরবর্তী অবস্থায় যখন বিশ্লেষণ করিয়া ভিন্ন ভিন্ন শব্দের উপলব্ধি হয় তখন লিখন দ্বারা ভাষা প্রকাশিত হইতে পারে এবং এক একটি শব্দের জন্য এক একটি সংকেত ব্যবহৃত হইতে পারে। শেষে স্বানসিক শক্তির আরও উন্নতি হইলে শব্দ গুলিকে ধ্বনিতে বিশ্লিষ্ট করিবার শক্তি জন্মে এবং প্রত্যেক ধ্বনির জন্য এক একটি রৈখিক প্রতিনিধি নির্দিষ্ট হয়। এই রৈখিক প্রতিনিধিগুলিকে বর্ণ বলে।

উত্তর আমেরিকার আদিম নিবাসীদের এবং প্রাচীন মিসর বাসীদের মধ্যে চিত্র লিখন প্রণালী প্রচলিত থাকার উল্লেখ পাওয়া যায়। পশ্চিমদিগের মত এই যে বর্ণের ব্যবহারযুক্ত আধুনিক লিখন প্রণালী স্বাধীন ভাবে উদ্ভূত হইতে পারে না, ইহা চিত্র লিখন প্রণালীর ক্রমোন্নতি। কোন প্রকার লিখন প্রণালী আবিষ্কৃত না হইলে ধ্বনি-বিশ্লেষণের প্রয়োজনীয়তা অনুভূত হয় না।

প্রাচীন চীনে ও পেরুদেশে এককালে রজ্জু ও তাহা হইতে বিলম্বিত নানা রঙের সূত্র দিয়া ঐ রজ্জুতে নির্মিত গ্রন্থি দ্বারা রাজাদেশ, ঐতিহাসিক ঘটনা

ইত্যাদি লিপিবদ্ধ হইত। পেরুদেশে ইহার নাম ছিল কুইপুলিপি। রজ্জুমধ্যে গ্রন্থিসংখ্যা, সূক্ষ্ম, স্থূল, ও নানা কাঁসের অবস্থান দ্বারা ভাব প্রকাশিত হইত। কোন বস্তুবাচক ভাব প্রকাশ করিতে বর্ণ ব্যবহৃত হইত না। অবচ্ছিন্ন ভাব প্রকাশ করিবার জন্যই বিবিধ বর্ণের ব্যবহার হইত। যথা শ্বেতবর্ণের দ্বারা রৌপ্য বা শান্তি, লোহিত বর্ণের দ্বারা স্বর্ণ বা যুদ্ধ প্রকাশ করা হইত। গ্রন্থির ব্যবহার শিক্ষাসাপেক্ষ ছিল তাহাতে সন্দেহ নাই। কোন কথা স্মরণ করাইয়া দিবার জন্য আমাদের দেশে এখনও খুঁটে গাঁইট বাঁধিবার প্রথা প্রচলিত আছে। কখনও কখনও দুই বা ততোধিক গাঁইট বাঁধা হয়। গ্রন্থি লিখন প্রণালী যে ইহারই ক্রমোন্নতি তাহাতে সন্দেহ নাই। এই আলোচনার সময় কয়েকটি প্রশ্ন স্বতঃই মনে উদ্ভূত হয়। আমাদের ভারতবর্ষে কি এককালে গ্রন্থি লিখন প্রণালী প্রচলিত ছিল? পরে যখন শব্দগুলি ধ্বনিতে বিশ্লিষ্ট হইল তখন ঐ সকল ধ্বনির রৈখিক প্রতিনিধি গুলিকে কেন ‘বর্ণ’ সংজ্ঞা দেওয়া হইল? এই ‘বর্ণ’ শব্দের সহিত কি রজ্জুলিপির বর্ণের কোন সম্বন্ধ আছে? ‘গ্রন্থ’, ‘সূত্র’ এই নাম দুইটি কিরূপে উৎপন্ন হইল? এই কয়েকটি প্রশ্নের উত্তর অনুসন্ধান সাপেক্ষ।

প্রাচীন চিত্র লিখন অপেক্ষা গ্রন্থি লিখন প্রণালী লিপিবিচার একটু উন্নততর অবস্থা জ্ঞাপন করে। কিছুকাল পরে চীনবাসীরা গ্রন্থি লিখন ত্যাগ করিয়া যে পূর্ববর্তী উন্নত চিত্র প্রণালী অবলম্বন করিয়াছিল তাহাতে, বা ইউফ্রেটিস উপত্যকায় আদি বাণমুখ লিখন প্রণালীতে, বা মেক্সিকোদেশের পূর্বের অধিবাসী এজ্জটেক্দের লিখন প্রণালীতে, এক একটি সমগ্র বাক্যের জন্য এক একটি চিত্র অঙ্কিত হইত না, প্রত্যুত তাহারা এক একটি শব্দের জন্য এক একটি চিত্রের ব্যবহার করিত। প্রথম প্রথম অবশ্য বস্তুগুলির যথার্থ প্রতিকৃতি অঙ্কিত করিয়া উহাদের উল্লেখ হইত, কিন্তু পরে চিত্রগুলি ক্রমশঃ পরিবর্তিত হইয়া সঙ্কেত মাত্রে পর্য্যবসিত হইয়াছিল। তখন সঙ্কেত গুলি শিক্ষা সাপেক্ষ হইল।

কথিত হয় যে চীনদেশে খৃষ্টের দুই সহস্র বৎসর পূর্ব হইতেই এই রূপ সঙ্কেত ব্যবহৃত হইতে আরম্ভ হইয়াছে, এবং ঐরূপ সময়েই সিমাইট

জাতি মিসরবাসীদিগের নিকট হইতে লিপি-বিজ্ঞা গ্রহণ করে। চীনদিগের মধ্যে এখনও শব্দগুলি ধ্বনিতে বিল্লিষ্ট হয় নাই। চীনেরা বর্ণমালার প্রয়োজন অনুভব করে নাই। তাহাদের কোন শব্দই একাধিক স্বর বিশিষ্ট নয়, অর্থাৎ প্রত্যেক শব্দই একাচ্ (monosyllabic) তাহাদের লিখন প্রণালীতে প্রত্যেক একাচ্ শব্দের জন্য এক একটা পৃথক পৃথক সঙ্কেত ব্যবহৃত হয়। যদিও সঙ্কেত সংখ্যা কমাইবার অনেক কৌশল করা হইয়াছে, তথাপি ৫০০ সঙ্কেতের কম কিছুতেই লিখনের কার্য চলিতে পারে না। যাহা হউক চিত্র লিখন প্রণালী হইতে, বা চিত্র হইতে উৎপন্ন সাক্ষেতিক প্রণালী হইতেই একাচ্ পদাত্মক লিখন প্রণালী, এবং একাচ্ পদাত্মক লিখন প্রণালী হইতেই বর্ণমূলক লিখন প্রণালীর উৎপত্তি।

চীনা ভাষায় শব্দগুলিকে যতদূর সম্ভব সংক্ষিপ্ত করার চেষ্টা হইয়াছে। শব্দগুলি ছোট হইতে হইতে একাচ্ হইয়া দাঁড়াইয়াছে। ইহার ফলে এক একটা শব্দ নানা অর্থছোতক হইয়া পড়িয়াছে অর্থাৎ বিভিন্ন অর্থ বাচক অনেকগুলি শব্দ পরিবর্তিত হইতে হইতে একই রূপে পরিণত হইয়াছে। কোন শব্দের আকৃতি দেখিলে প্রথমেই যে অর্থটি মনে উদ্ভিত হয় সেই অর্থ প্রকাশের জন্য প্রধানতঃ তাহা ব্যবহৃত হয়। অন্য অর্থ জানাইবার জন্য সেই সঙ্কেতের সহিত ঋজু, বক্র, সমতল, দণ্ডায়মান, তির্ঘ্যাক্ নানা প্রকারের রেখা সংযুক্ত করা হয়। চীনদেশে ভারতবর্ষের ন্যায় নানা ভাষা প্রচলিত, কিন্তু এক লিপি দ্বারা সব ভাষাই প্রকাশিত হয়। এ লিপি দর্শনেন্দ্রিয় গ্রাহ্য ভাষা, শ্রবণেন্দ্রিয় গ্রাহ্য ভাষা নয়। কানের কাজ চোকে দিয়াই হয়। চোকে দিয়া দেখিয়াই সঙ্কেতগুলির অর্থবোধ হয়। সঙ্কেতগুলি কোন নির্দিষ্ট ধ্বনি সমূহের প্রতিনিধি নয়। এই শব্দগুলি চীনদেশীয় নানা ভাষার ভিন্ন ভিন্ন শব্দের সাধারণ প্রতিক্রিয়া। যেমন, বিড়াল বাচক চিহ্ন দেখিয়া বাজালী বিড়াল পড়িবে, হিন্দুস্থানী বিল্লী পড়িবে, মারাঠী মাঞ্জার পড়িবে, গুজরাটী বিলাড়ী পড়িবে, সংস্কৃতজ্ঞ মার্জ্জার পড়িবে, পারস্যদেশবাসী গুর্বা পড়িবে, ইংরাজ ক্যাট পড়িবে, ল্যাটিনজ্ঞ ফেলিস্ পড়িবে ইত্যাদি। অতএব এই লিপির সহিত ভাষার কোন সম্পর্ক নাই। এই লিপি বক্তার মনোভাবের চিত্রমাত্র, ভাষার প্রতিনিধি নয়। যুরোপীয় কতকগুলি ভাষা হইতে ইহার উদাহরণ

দেওয়া যাইতে পারে। ইংলণ্ড, ফ্রান্স, স্পেন, পোর্টুগাল ও ইটালীতে রোমান অক্ষর ব্যবহৃত হয়, সংখ্যাচক রোমান অক্ষরগুলি ঐ সকল দেশের ভাষাতে একই আকারের হইলেও প্রত্যেক ভাষাতে উহাদের নাম ভিন্ন। যদি চীনা লিখন প্রণালীর ন্যায় ভাষার সহিত সম্বন্ধহীন ভাবমাত্র প্রকাশক কোন সাক্ষেতিক লিখন প্রণালী সমগ্র পৃথিবীতে গৃহীত হইত তাহা হইলে নানাদেশের নানারূপ ভাষা শিক্ষা করিবার প্রয়োজন হইত না। বিভিন্নদেশের লোকেরা একই লিপিদ্বারা ভাবের আদান প্রদান করিতে পারিত।

এইরূপ লিখন ভাষা-নিরপেক্ষ, কেবল বুদ্ধিধারা গ্রাহ্য। অতএব ইহাকে ভাব-লিপি (ideograph) বলা যাইতে পারে। ইহার বাচনিক প্রতিকল্প নাই। লিপি-বিজ্ঞান অভিব্যক্তিতে এই ভাব-লিপি ধ্বনি-মূলক লিপির পূর্ববর্তী। বহুযুগ ধরিয়া এই ভাব-লিপির সাহায্যে ভাব-বিনিময় হইয়াছিল। চীনদেশে এখনও ইহা চলিতেছে। অন্তর্দেশে ইহার অসম্পূর্ণতা অনুভূত হইয়াছিল। তখন হইতে অনেক কাল ধরিয়া ইহা অপেক্ষা সুবিধাজনক লিপি-প্রণালী উদ্ভাবন করিবার চেষ্টা হইয়াছিল, অবশেষে যখন শব্দ ধ্বনিতে বিক্লিষ্ট হইল তখন ধ্বনির প্রতিনিধিস্বরূপ বর্ণের আবিষ্কার হইল এবং লিখনপ্রণালী বর্ণাঙ্কক হইল।

চীনা ভাষার লিখন প্রণালীতে এক একটা সমগ্র একাচ্ পদের পরিবর্তে এক একটা সন্ধেত ব্যবহার করাই লিখন চাতুর্য্যের শেষ সীমা। তাহাদের এক একটা একাচ্ পদ যে একাধিক ধ্বনিযোগে গঠিত এবং এক একটা ধ্বনির পরিবর্তে যে এক একটা বর্ণ ব্যবহৃত হইতে পারে ইহা তাহারা বোঝে না। তাহাদের ভাব-লিপিতে বর্ণের স্থান নাই।

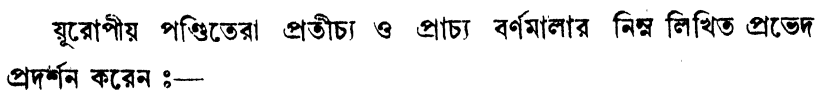
ইহা অবশ্যই স্বীকার করিতে হইবে যে প্রথমে একস্বরবিশিষ্ট পদ বা পদাংশের (syllable)এর উপলব্ধি হয়, পরে বর্ণের জ্ঞান উৎপন্ন হয়। সামান্য জ্ঞান (generalisation) ও জাতিবিভাগ (classification)এর প্রয়োগ দ্বারা শেষোক্ত জ্ঞান জন্মে। প্রথমে যে সকল পদের আদিতে একই প্রকারের ধ্বনি আছে তাহাদিগকে একত্র করা হয়, যথা গো, গজ, গণ, গুড় ইত্যাদি; নৌ, নল, নিম, নাক ইত্যাদি। ইহা প্রথম সোপান।

ভারতবর্ষে লিপিবিদ্যার বিকাশ

পরবর্তী সোপান লিখন-বিদ্যা বিকাশের ইতিহাসে বিশেষ গুরুত্ব বিশিষ্ট। উপরিউক্ত এক একটা শ্রেণীর আদিতে যে ধ্বনিটি আছে তাহার সন্ধেত বা চিহ্ন নির্দিষ্ট করিবার জন্য শ্রেণী মধ্যে যে শব্দটি অত্যন্ত সাধারণ তাহার প্রতিকৃতিদ্বারা ঐ ধ্বনি প্রকাশিত করা হয়। প্রাচীন ফিনিসিয়া বাসীদের বর্ণমালায় 'আলেফ্' বর্ণটি ষাঁড়ের মস্তকের প্রতিকৃতি হইতে প্রাপ্ত। ঐ ভাষায় 'আলেফ্' শব্দ ষাঁড় বাচক। বেথ্ শব্দ গৃহ বাচক। গৃহের চিত্র হইতে বেথ্ বর্ণটি পাওয়া গিয়াছে। গিমেল শব্দের অর্থ উদ্ভূ। উদ্ভূর চিত্র হইতে গিমেল বর্ণটি পাওয়া গিয়াছে। দালেথ্ শব্দের অর্থ শিবিরদ্বার। শিবির দ্বারের চিত্র হইতে দালেথ্ বর্ণটি উৎপন্ন হইয়াছে ইত্যাদি ইত্যাদি। মিসর দেশের সাঙ্কেতিক লিখনের অনুকরণে প্রাচীন ফিনিসীয় বর্ণমালার সৃষ্টি। ফিনিসীয় বর্ণমালা পরিবর্তিত হইয়া গ্রীক বর্ণমালায় পরিণত হইয়াছে। লাতিন বর্ণমালা গ্রীক বর্ণমালার অনুকরণে গঠিত।

ছোট ছোট ছেলেরা শিক্ষা করে “‘অ’য় অজাগর আস্ছে তেড়ে। ‘আ’য় আমটা খাবে কেড়ে।” ইত্যাদি। অজাগরের চিত্র হইতে যে বাঙ্গলা ‘অ’বর্ণ নির্মিত হয় নাই তাহা না বলিলেও চলে। ভারতীয় যত প্রকারের বর্ণমালা আছে সবই ব্রাহ্মী লিপির পরিবর্তিত আকার। ব্রাহ্মী লিপির বর্ণগুলি কোথা হইতে আসিল? ব্রাহ্মী লিপি কি চিত্র লিপি ও ভাব লিপির পরিণতি? যদি তাহাই হয়, তাহা হইলে কোন্ কোন্ বস্তুর চিত্রের অনুকরণে অ, ক, চ, ট, ত, প, য, র, স, হ, ং উৎপন্ন হইল? কানিংহাম ইত্যাদির মতে ব্রাহ্মী ক কর্তরিকার চিত্র হইতে, ধ ধুমুর চিত্র হইতে, র রজ্জুর চিত্র হইতে, ব বারিবেষ্টিত ভূমণ্ডল হইতে, গ গগন হইতে, ত তালপত্র হইতে, চ চমসের চিত্র হইতে, ন নাসা হইতে, ব বীণা হইতে উৎপন্ন হইয়াছে।

যুরোপীয় পণ্ডিতগণের মধ্যে অনেকের মত যে সভ্য জগতের প্রায় সমস্ত লিপিই ফিনিসীয় ২৩টা বর্ণ হইতে উৎপন্ন। খৃষ্টের অন্ততঃ সহস্র রৎসর পূর্বে ফিনিসীয় বর্ণমালা হইতে গ্রীক বর্ণমালা নির্মিত হয়। যুরোপীয়েরা লিপিবিদ্যার উৎপত্তি সম্বন্ধে নিম্নলিখিত বংশশাখা দিয়া থাকেন।



১। প্রতীচ্য বর্ণমালায় অর্থাৎ গ্রীক, ইটালীয় ইত্যাদি বর্ণমালায়, ব্যঞ্জনধ্বনি ও স্বরধ্বনির প্রতিনিধি স্বরূপ যে যে বর্ণ আছে তাহাদের আকার-গত সমতা অর্থাৎ গোটা গোটা আকার দেখিতে পাওয়া যায়। ইহাতে কেবল

ব্যঞ্জন বর্ণেরই সম্পূর্ণ অবয়ব থাকে এবং স্বরবর্ণের চিহ্নমাত্র থাকে একরূপ দেখা যায় না।

২। প্রাচ্য বর্ণমালায় অর্থাৎ হীকু, আরবী, নাগরী ইত্যাদি বর্ণমালায় ব্যঞ্জনবর্ণগুলি সম্পূর্ণভাবে লিখিত হয় এবং স্বরের চিহ্নমাত্র ব্যবহৃত হয় ও সময়ে সময়ে তাহাও থাকে না। যথা বাঙলা কথা ‘কবিতা’ লিখিতে ‘ক’ ‘ব’ ‘ত’ এই ব্যঞ্জনবর্ণগুলি সম্পূর্ণভাবে লিখিত হয়, কিন্তু ‘ই’, ‘অ’ স্বরবর্ণগুলি চিহ্ন দ্বারা ব্যক্ত হয়, ‘অ’ এর কোন চিহ্নই নাই। ইহা সেমেটিক লিখনের অন্তরঙ্গ।

যে যে ক্রমে বর্ণমূলক লিপি সমূহ আবিষ্কৃত হইয়াছে, টকার সাহেবের পুস্তক হইতে তাহার সার সংগ্রহ নিম্নে প্রদত্ত হইল :—

১। ভাব প্রকাশক লিপি—

(ক) একটী ঘটনার সমগ্র ভাবের চিত্র, যেমন আমেরিকার আদিম অধিবাসীদের মধ্যে প্রচলিত ছিল।

(খ) পৃথক পৃথক বস্তু হইতে উৎপন্ন ভাবের চিত্র (ideograph), যেমন মেক্সিকোবাসীদের মধ্যে এবং মিসরের আদিম অধিবাসীদের মধ্যে প্রচলিত ছিল।

২। ধ্বনি-প্রকাশক লিপি—

(ক) শব্দলিপি (phonograph) অর্থাৎ একই চিত্র দ্বারা বহু সমোচ্চারণ শব্দের লিখন, যেমন চীনের আধুনিক লিপি ও প্রাচীন মিসরের লিপি।

(খ) একাচ্ পদ বা পদাংশের (syllable এর) সঙ্কেতদ্বারা লিখনের প্রণালী, যেমন জাপানী, ও সেমেটিক বাণমুখ লিখন-প্রণালী।

(গ) বর্ণমূলক লিপি, যাহাতে একাচ্ পদ বা পদাংশের সমস্ত ধ্বনির সম্পূর্ণ বিশ্লেষণ হয় নাই, কেবল একাচ্ পদের আদ্য ব্যঞ্জন প্রকাশিত হয় কিন্তু স্বরের কোন বিশিষ্ট অবয়ব নাই; যেমন সেমেটিক লিপি।

(ঘ) বিশুদ্ধ বর্ণমালা মূলক লিখন-প্রণালী, যাহাতে প্রত্যেক ধ্বনির প্রকাশের নিমিত্ত পৃথক পৃথক চিহ্ন আছে, যেমন গ্রীক বর্ণমালায়, ইটালীয় বর্ণমালায়, উত্তর কালের মিসরীয় বর্ণমালায় এবং পারস্যদেশের বাণমুখ লিখন প্রণালীতে।

দ্বিতীয় পরিচ্ছেদ

ভারতবর্ষের লিখন-প্রণালীর ইতিহাস

ভারতবর্ষের বিবিধ কীর্তির মধ্যে দুইটি কীর্তি বিশেষ গৌরবের; একটি ব্রহ্মলিপি ও অপরটি এখানকার সংখ্যালিখন প্রণালী। ভারতবাসীরা লিপি বিচারে যেরূপ উন্নতি করিয়াছিল এমন কোন জাতিই করিতে পারে নাই। ভারতবর্ষেই অঙ্ক বিচার দশমিক-প্রণালীর সৃষ্টি হইয়াছিল। সংখ্যা লিখন প্রণালী সম্বন্ধে সামান্য কিছু আলোচনা পরে করিব। লিখন প্রণালী সম্বন্ধে আলোচনা করাই আমাদের উদ্দেশ্য। এই আলোচনা যাহাতে স্পষ্ট হয় সেইজন্য স্মারকরূপে অতি সংক্ষেপে ভারতের প্রাচীন ইতিহাসের মুখ্য মুখ্য ঘটনার উল্লেখ করিব।

খৃষ্ট পূর্ব সপ্তম শতাব্দীর পূর্বের তথা অতি সামান্যরূপই উদ্ঘাটিত হইয়াছে। আমাদের যাহা কিছু ঐতিহাসিক জ্ঞান উহার পরবর্তী সময় লইয়া। প্রাচীন ঐতিহাসিক আলোচনার প্রধান সহায় শিলালিপি, তাম্রশাসন ও প্রাচীনকালের বিভিন্ন প্রকারের মুদ্রা। এই সকল বস্তু হইতে প্রাচীনকালের লিখন প্রণালীর পরিচয় পাওয়া যায়। লিখিত পুঁথি ৮০০ বা ১০০০ বৎসরের অধিক স্থায়ী হয় না, অতএব অতি প্রাচীনকালের পুঁথি এখন পাওয়া যায় না। এখন শিলালিপি ইত্যাদির উপর নির্ভর করিতে হইতেছে।

কোন কোন জ্যোতির্বিদদের মতে খৃষ্টের ২৫০০ বৎসর পূর্বের কুরুক্ষেত্রের যুদ্ধ হইয়াছিল। ভিনেস্টস্মিথ বলেন যে, খৃঃ পূঃ চতুর্থ শতাব্দীতেও পুরাণ-শাস্ত্রের বেশ প্রতিপত্তি ছিল। তাহা হইলে কতকগুলি পুরাণ চতুর্থ শতাব্দীর অনেক পূর্বের রচিত হইয়াছিল বলিতে হইবে। এই সকল প্রাচীন গ্রন্থ হইতে জানা যায় যে, এক সময়ে আর্যেরা হিমালয় হইতে নর্মদা পর্য্যন্ত ভূখণ্ডে বাস করিতেন। এই সময়ে আর্যাবর্তে কয়েকটি রাজ্যের নাম পাওয়া যায়; মগধ, বৈশালী, শাক্যদেশ, কোশল, কাশী, অঙ্গ। খৃঃ পূঃ ষষ্ঠ শতাব্দীতে

কোশল রাজ্য প্রবল ছিল। কানীরাজ্য ইহার অধীন ছিল এবং শ্রাবস্তী ইহার রাজধানী ছিল।

প্রথমে মগধ অতি সামান্য রাজ্য ছিল। ৬০০ খৃষ্ট পূর্বাব্দে শিশুনাগ নামে ঐ রাজ্যের এক রাজা ছিলেন। রাজগৃহে তাঁহার রাজধানী ছিল এবং তিনিই শিশুনাগ বংশের আদি পুরুষ। বিম্বিসার এই বংশের পঞ্চম রাজা। তিনি ৫৩০ খৃঃ পূর্বাব্দে মগধের রাজা হন এবং অঙ্গরাজ্য জয় করেন। তাঁহার পুত্র অজাতশত্রু ৫০০ খৃঃ পূর্বাব্দে রাজা হন এবং কোশল রাজ্য জয় করিয়া সমস্ত আর্য্যাবর্ত স্বকীয় সাম্রাজ্যের অন্তর্গত করেন, ও শোন ও গঙ্গার সঙ্গমস্থলে পাটলী নামক গ্রামে একটি দুর্গ নিৰ্ম্মাণ করেন। এই দুর্গের চতুর্পার্শে পরবর্তী সময়ে পাটলীপুত্র নগর নিৰ্ম্মিত হয়। বিম্বিসারের রাজত্বকালে জৈন ধর্ম্মের প্রবর্তক বর্দ্ধমান মহাবীরের এবং বৌদ্ধধর্ম্মের প্রবর্তক বুদ্ধের অভ্যুদয় হয়। বিম্বিসারের সময়েই মহাবীরের মৃত্যু হয় (৫২৭ খৃঃ পূঃ)। ৪৮৭ খৃঃ পূর্বাব্দে বুদ্ধদেবের নিৰ্ব্বাণ হয়। পারস্যের সম্রাট ডেরায়স্ বিম্বিসার ও অজাতশত্রুর সমসাময়িক। তিনি বিম্বিসারের সময়ে গান্ধার (অর্থাৎ আধুনিক পেশাওর, রাওলপিণ্ডি ও কাবুল জেলা) ও সিন্ধুপ্রদেশ নিজ সাম্রাজ্যভুক্ত করেন। ৩৭২ খৃষ্ট পূর্বাব্দে শিশুনাগ-বংশীয় শেষ রাজার শূদ্রপত্নী-গর্ভজাতপুত্র মহাপদ্ম-নন্দ কর্তৃক মগধ রাজ্য অধিকৃত হয়। তিনি নন্দবংশের প্রতিষ্ঠাতা।

প্রবাদ এই যে তাঁহার পরে তাঁহার আট পুত্র একে একে মগধ সিংহাসন অধিকার করেন। নন্দবংশীয় শেষ রাজার সময়ে আলেকজান্ডার ভারতবর্ষ আক্রমণ করেন। ৩২৩ খৃষ্ট পূর্বাব্দে আলেকজান্ডারের মৃত্যু হয়। তাহার অব্যবহিত পরেই নন্দবংশীয় রাজার মুরানালী-দাসী-গর্ভজাত পুত্র চন্দ্রগুপ্ত গ্রীকদিগকে পাঞ্জাব হইতে বিতাড়িত করিয়া এবং নন্দবংশীয় শেষ রাজাকে পরাস্ত ও হত্যা করিয়া ৩২২ খৃষ্ট পূর্বাব্দে মগধের সম্রাট হইলেন। তিনি মৌর্য্যবংশের প্রবর্তক এবং তিনিই পাটলীপুত্রে রাজধানী স্থাপিত করেন।

আলেকজান্ডারের মৃত্যুর পর তাঁহার দুই সেনাপতি আর্টিওকাস্ ও সেলিউকাস্ এশিয়া খণ্ডে স্ব স্ব প্রভুত্ব বিস্তারের জন্য প্রতিদ্বন্দ্বিতা করিতে লাগিলেন। সেলিউকাস্ বাবিলনে রাজধানী স্থাপন করিয়া সমগ্র মধ্য ও

পশ্চিম এসিয়ার অধীশ্বর হইলেন। তাঁহার রাজ্যের পূর্বসীমার অব্যবহিত পরেই ভারতবর্ষ ছিল। ভারতবর্ষের যে অংশ আলেকজান্ডারের অধিকারে আসিয়াছিল তাহা সেলিউকাস্ চন্দ্রগুপ্তের নিকট হইতে পুনরুদ্ধার করিবার চেষ্টা করিয়াছিলেন, কিন্তু হারিয়া গিয়া চন্দ্রগুপ্তকে, হিরাট ও কান্দাহার প্রদেশ ও স্রীয় কন্যা প্রদান করিয়া ৩০৩ খৃঃ পূর্বাব্দে তাঁহার সহিত সন্ধি স্থাপন করেন। অতএব হিন্দুকুশ পর্বত চন্দ্রগুপ্তের ও সেলিউকাসের সাম্রাজ্যদ্বয়ের ব্যবধান রেখা ছিল। এখন, হইতে গ্রীকদিগের একজন দূত মগধের রাজসভায় থাকিত। সেলিউকাসের প্রথম দূতের নাম মেগাস্থিনিস্। চন্দ্রগুপ্ত শেষ বয়সে জৈন হয়েন। ২৯৭ খৃঃ পূর্বাব্দে তাঁহার মৃত্যু হয়। তাঁহার পুত্র বিন্দুসার ২৫ বৎসর রাজত্ব করেন। বিন্দুসারের পুত্র অশোক ২৮২ খৃষ্ট পূর্বাব্দে মগধ সিংহাসনে আরোহণ করেন।

অশোক রাজ্যাভিষেকের সপ্তমবর্ষে বৌদ্ধধর্ম গ্রহণ করেন এবং এসিয়া-খণ্ডের বহুদেশে বৌদ্ধ ভিক্ষুদিগকে পাঠাইয়া বৌদ্ধধর্মের প্রচার করেন। তাঁহার পুত্র মহেন্দ্র বৌদ্ধ ধর্ম প্রচারের জন্য সিংহলে প্রেরিত হয়েন। ভারতবর্ষের বহুস্থানের শিলালিপি হইতে অশোকের প্রচার কার্যের প্রমাণ পাওয়া যায়। এই সকল শিলালিপিতে তিনি নিজেকে প্রিয়দর্শী নামে অভিহিত করিয়াছেন। ২৩১ খৃঃ পূর্বাব্দে অশোকের মৃত্যু হয়। তিনি হিন্দুকুশ হইতে দাক্ষিণাত্যের চোল, পাণ্ড্য প্রভৃতি কয়েকটি রাজ্য ব্যতীত সমগ্র ভূখণ্ডের অধীশ্বর হয়েন।

অশোকের মৃত্যুর পর তাঁহার সাম্রাজ্যান্তর্গত আফগানিস্থানে গ্রীকেরা স্বাধীন হয় এবং কিছুকালপরে পাঞ্জাব অধিকার করে। অশোকের পর ৩৭ জন মৌর্যাবংশীয় রাজা মগধের সিংহাসনে প্রতিষ্ঠিত ছিলেন। তৎপরে ব্রাহ্মণ্য ধর্মাবলম্বী ১০ জন মিত্রবংশীয় রাজা মগধে রাজত্ব করেন। ইহার পর মগধ ৪৫ বৎসর কাল কণ্ব বংশীয় রাজাদের অধিকারে থাকে। এই সময়ে মহারাষ্ট্রদেশের অক্ষুবংশ প্রবল পরাক্রান্ত হয় এবং মগধ অক্ষুসাম্রাজ্যের অন্তর্ভুক্ত হয়। ইহার পর শকেরা প্রবল হইয়া উঠে এবং উত্তর ভারত প্রাণিত করে। ইহার পরেই কুষাণ বংশ পরাক্রান্ত হয়। কুষাণ বংশের সর্বপ্রসিদ্ধ রাজার নাম কনিষ্ক। তাঁহার রাজধানী 'পেশাওরে' ছিল

এবং তিনি বৌদ্ধ ছিলেন। অশ্বঘোষ ও নাগার্জুন তাঁহার রাজ সভার সভাসদ ছিলেন। খৃষ্টীয় তৃতীয় শতাব্দীর প্রারম্ভে কুষাণ বংশের অধঃপতন হয়। এই সময়ে অন্ধ্রবংশেরও ধ্বংস হয়।

৩২১ খৃষ্টাব্দে মগধে গুপ্তবংশের অভ্যুদয় হয়। সমুদ্রগুপ্ত এই বংশের সর্বপ্রসিদ্ধ সম্রাট ছিলেন। ৩৫০ খৃষ্টাব্দে তাঁহার সাম্রাজ্য পশ্চিমে যমুনা ও চম্বল পর্য্যন্ত, পূর্বে ভাগীরথী তীর পর্য্যন্ত, উত্তরে হিমালয়ের পাদদেশ পর্য্যন্ত এবং দক্ষিণে নর্মদা পর্য্যন্ত বিস্তৃত ছিল। গুপ্তবংশের তৃতীয় সম্রাট দ্বিতীয় চন্দ্রগুপ্তকে লোকে বিক্রমাদিত্য বলে। তাঁহার সময়ে মগধ সাম্রাজ্য পশ্চিমে সুরাষ্ট্র ও উত্তর পশ্চিমে চন্দ্রভাগা নদী পর্য্যন্ত (কেহ কেহ বলেন অক্সস পর্য্যন্ত) বিস্তার লাভ করিয়াছিল। গুপ্তেরা ব্রাহ্মণ্য ধর্ম্মের পক্ষপাতী ছিলেন, পরন্তু বৌদ্ধ ও জৈন ধর্ম্মের প্রতি তাঁহাদের বিদ্বেষ ছিল না। এই সময়ে সংস্কৃত ভাষার প্রাধাণ্য হইয়াছিল। দ্বিতীয় চন্দ্রগুপ্তের সময়ে ফা-হিয়েন ভারতবর্ষে আসেন।

খৃষ্টীয় পঞ্চম শতাব্দীর শেষে হুনেরা ভারতবর্ষ আক্রমণ করিতে আরম্ভ করে। এই আক্রমণের ফলে গুপ্ত সাম্রাজ্য দুর্বল হইয়া পড়ে এবং পরিশেষে কয়েকটী ক্ষুদ্ররাজ্যে বিভক্ত হইয়া যায়। মালবের যশোধর্ম্মদেব হুনদিগকে বিতাড়িত করেন। একমতে তিনিই বিক্রমাদিত্য ছিলেন। ইহার পরে খানেশ্বরের রাজা হর্ষবর্দ্ধন উত্তর ভারতের চক্রবর্তী রাজা হয়েন। তাঁহার সময়ে হিউয়েন্-ত্সাং ভারতবর্ষ ভ্রমণ করেন। ৬৪৭ খৃষ্টাব্দে হর্ষবর্দ্ধনের মৃত্যু হয়। তাঁহার মৃত্যুর পর ভারতবর্ষের অধঃপতনের সূত্রপাত হয়। যে সাম্রাজ্য একমাত্র কেন্দ্র হইতে এক নিয়মে শাসিত হইত তাহা ছিন্ন ভিন্ন হইয়া গেল। তাহার স্থলে কতকগুলি ক্ষুদ্র ও দুর্বল রাজ্য স্থাপিত হইল। কিন্তু তন্মধ্যে গুর্জর পড়িহারেরা (প্রতিহারেরা) প্রবল পরাক্রান্ত হইয়া ভারতবর্ষে বহু দূর পর্য্যন্ত তাহাদের রাজ্য বিস্তার করিয়াছিল এবং কয়েক শত বৎসর রাজত্ব করিয়াছিল।

ইহার পরেই রাজপুত জাতির অভ্যুদয় হয়। কিছুকালের মধ্যে তাহারা ইত্তর ভারতে প্রধান হইয়া পড়ে। খৃষ্টীয় নবম শতাব্দীর মধ্যভাগে দেখিতে পাওয়া যায় যে, চোহান বংশ আজমীরে, প্রমরবংশ মালবে, গিহলোট বংশ

মিবারে, চউর বংশ গুজরাটে, রাঠোর বংশ কাণ্ডকুজে ও চণ্ডেলা রাজপুতেরা কালঞ্জরে রাজত্ব করিতেছে। ইহারা ই রাজপুতদের মধ্যে প্রধান ছিল। আরও অনেকগুলি ছোট রাজত্ব ছিল। ইহারা সর্ববদাই কলহে বিগ্রহে নিযুক্ত থাকিত।

খৃষ্টীয় অষ্টম শতাব্দীর প্রারম্ভেই সিন্ধু প্রদেশ মুসলমানদিগের হস্তগত হয়। নবম শতাব্দীর শেষভাগে জয়পাল পঞ্চনদের রাজা ছিলেন। গজনির রাজা সিবক্তগীন তাঁহাকে পুনঃ পুনঃ আক্রমণ করিয়া সিন্ধুনদের তীর পর্য্যন্ত প্রদেশ নিজ অধিকারে আনেন। ৯৯৭ খৃষ্টাব্দে সিবক্তগীনের মৃত্যু হয়। তাঁহার পুত্র মহমুদ ১০০৯ খৃষ্টাব্দে জয়পালের পৌত্র ত্রিলোচন পালিকে পরাভূত করিয়া লাহোর নিজ রাজ্যভুক্ত করেন। ইহার পর মহমুদ উত্তর ভারতের সোমনাথ, মথুরা ইত্যাদি নানা প্রসিদ্ধ স্থান আক্রমণ করেন। ইহাতে ভারতবর্ষের অশেষ ক্ষতি হয়। পরে ১১৯৩ খৃষ্টাব্দে মহম্মদ ঘোরী পৃথ্বীরাজকে পরাজিত করিয়া দিল্লীতে পাঠান সাম্রাজ্য স্থাপিত করেন। ইহার ছয় বৎসরের মধ্যে উত্তর ভারতের প্রায় সমস্ত অংশ মুসলমান অধিকারে আসে।

মহমুদ গজনবীর আক্রমণ সময় হইতে কয়েক শতাব্দী ভারতে ঘোর দুর্দিন উপস্থিত হইয়াছিল। ভারতবর্ষের যাহা কিছু গৌরবের বস্তু ছিল তাহার অধিকাংশ এই সময়ে নষ্ট ও লুপ্ত হয়। রাজপ্রাসাদ ও দেবমন্দির উৎপাটিত ও চূর্ণবিচূর্ণীকৃত হইয়াছিল, দেবমূর্তি অসম্মানিত এবং শাস্ত্রগ্রন্থাদি নষ্ট হইয়াছিল। হিন্দুরা তখন ভয়ে সশঙ্কিত থাকিত। ইহার ফলে বিজ্ঞান অবনতি ও অজ্ঞানতার বৃদ্ধি হইয়াছিল। প্রাচীন কোন বস্তুরই আদর ছিল না। মন্দির ইত্যাদির লিপিমুক্ত প্রস্তর খণ্ড লইয়া নূতন গৃহাদি নিৰ্ম্মিত হইত; এমন কি এই সকল প্রস্তর বাটনা বাটিবার শিলে পরিণত হইত। অনেক তাম্রশাসন সাধারণ তামার ত্রায় গালাই হইয়া ঘটি বাটী ইত্যাদিতে রূপান্তরিত হইত। সোণারূপার প্রাচীন মুদ্রা হইতে গহনা গড়ান হইত। এই সব কারণেই আমাদের প্রাচীন ইতিহাস সম্বন্ধে আলোচনা এত কঠিন হইয়া পড়িয়াছে। পূর্বকালে এমন অনেক পুস্তক রচিত হইয়াছিল যাহাকে যদিও প্রকৃত ইতিহাস বলা যায় না তথাপি তাহা হইতে ঐতিহাসিক

অনুসন্ধানের অনেক সাহায্য হইতে পারিত। অধিকাংশ হস্তলিপি নষ্ট হওয়াতে সামান্য যে কয়েক খানি পাওয়া গিয়াছে তাহাদের পাঠোদ্ধার করা দুঃসহ।

বহু মন্দির, গুহা, বৌদ্ধস্তূপ ইত্যাদিতে গ্রন্থ প্রস্তর ফলকে, স্তম্ভের পাদদেশে, মূর্তির আসনে, মন্দির, মঠ ইত্যাদির উৎসর্গ পত্রে, ব্রাহ্মণদিগকে দত্ত ভূমির দান পত্রে এবং রাজার মুদ্রাতে যে সকল লিখন ছিল তাহা হইতে বুদ্ধদেবের পরবর্তী সময়ের অনেক ঐতিহাসিক তত্ত্ব আবিষ্কৃত হইতে পারিত; কিন্তু একাদশ শতাব্দী হইতে কয়েক শত বৎসরে ঐ সকল ঐতিহাসিক বস্তু অনেক পরিমাণে নষ্ট হইয়া গিয়াছে। যাহা কিছু অবশিষ্ট আছে বিছাচর্চার অবনতি বশতঃ তাহারও অনুশীলন হয় নাই। ঐ সকল বস্তুর কোন মূল্য আছে বা উহা হইতে উৎকৃষ্ট প্রত্নতত্ত্ব আবিষ্কৃত হইতে পারে তাহা দেশের লোকের কাহারও মনে উদয় হয় নাই। চর্চার অভাবে ঐ সকল লিপিসমূহ দুর্বোধ্য হইয়া পড়িয়াছিল। ফিরোজ শাহ তোগলক খৃঃ অঃ ১৩৫১ হইতে ১৩৮৮ পর্য্যন্ত দিল্লীর সম্রাট ছিলেন। তিনি অশোকের লিপিস্থিত দুইটি স্তম্ভ আনাইয়া দিল্লীতে স্থাপিত করিয়াছিলেন। কিন্তু কেহই স্তম্ভস্থ লিপি পাঠ করিতে পারে নাই। প্রাচীন লিপি সম্বন্ধে এইরূপ শোচনীয় অজ্ঞতা অষ্টাদশ শতাব্দীর প্রায় শেষভাগ পর্য্যন্ত চলিয়া আসিতেছিল। ইংরাজদিগের অভ্যুদয়ের পর হইতেই এবিষয়ে সম্যক দৃষ্টি পড়িয়াছে।

অষ্টাদশ শতাব্দীর শেষভাগে অনেক ইংরাজ সংস্কৃত শিক্ষা করিতে আরম্ভ করেন। তন্মধ্যে সার উইলিয়ম জোন্সকে অগ্রণী বলা যাইতে পারে। তাঁহার চেফায় ১৭৮৪ খৃষ্টাব্দে কলিকাতায় এসিয়াটিক সোসাইটী নামক সমাজ প্রতিষ্ঠিত হয়। ঐ সময় হইতেই ভারতের প্রাচীন ইতিহাসের অনুসন্ধান আরম্ভ হয় এবং অনেক ইংরাজ ঐ কার্যে ব্রতী হয়েন। তাঁহাদের পরিশ্রমের ফল এসিয়াটিক রিসার্চ নামক সাময়িক পুস্তকে খণ্ডখণ্ড প্রকাশিত হইতে থাকে। ইহা পাঠ করিয়া অনেক যুরোপীয় বিদ্বানের দৃষ্টি ভারতের দিকে আকৃষ্ট হয়। ১৮৩২ খৃষ্টাব্দে লণ্ডনেও রয়াল এসিয়াটিক সোসাইটী নামক সমাজ স্থাপিত হয়, এবং ঐরূপ সময়েই ফ্রান্স, জার্মানী, ইটালী প্রভৃতি দেশে এসিয়া সম্বন্ধীয় অনুসন্ধান-সমাজ স্থাপিত হয়। কতকগুলি যুরোপীয়

পণ্ডিত ভিন্ন ভিন্ন অনুসন্ধান কার্যে নিযুক্ত হন। তাঁহাদের অনুসন্ধানের ফল ঐ সকল সমাজের সাময়িক পত্রিকায় প্রকাশিত হইতে থাকে।

কয়েক জন বিদ্বান্ ভারতীয় ইতিহাসের অনুসন্ধান আরম্ভ করেন। এই অনুসন্ধান উপলক্ষে ভারতবর্ষীয় প্রাচীন লিপির উপর তাঁহাদের দৃষ্টি পড়ে। ভারতের ন্যায় বিস্তীর্ণ দেশে নানা স্থানে নানা প্রকারের পুরাতন লিপি আবিষ্কৃত হইতে লাগিল। স্ব স্ব রুচি অনুসারে কোন পণ্ডিত কোন প্রকারের লিপির আলোচনা করিতে লাগিলেন। চার্লস উইলকিন্স্, রাধাকান্ত শর্মা, জয়চন্দ্র, ডাক্তার বি, জে, ব্যাংকিংটন, ওয়াল্টার এলিয়ট, ডাক্তার মিল্, ডব্লিউ, এচ্ বেথুন, জোন্স্, প্রিন্সেপ্, ইত্যাদি ব্রাহ্মী ও তদুৎপন্ন লিপির চর্চা করেন। জোন্স্, প্রিন্সেপ্, নরিস্, জেনারল কানিংহাম্ ইত্যাদি খরোষ্ঠী লিপির চর্চা করেন।

১৮৭২ খৃষ্টাব্দে ডাক্তার বর্গেস্ ইণ্ডিয়ান এন্টিকোয়েরী নামক পুস্তকে ভারতীয় প্রাচীন অনুসন্ধান বিষয়ক তথ্য প্রকাশিত করেন। ১৮৭৭ খৃষ্টাব্দে জেনারেল কানিংহাম অশোকের সমস্ত লিপি একত্র করিয়া এক পুস্তক প্রণয়ন করেন, এবং ১৮৮৮ খৃষ্টাব্দে জে, এফ, ফিলট্ গুপ্ত বংশের ও সমসাময়িক রাজাদের শিলালিপি ও দানপত্র বিষয়ক সুন্দর গ্রন্থ রচনা করেন। ঐ বৎসর আর্কিওলজিকাল্ সার্ভে বিভাগ হইতে এপিগ্রাফিয়া ইণ্ডিকা নামক ত্রৈমাসিক পত্র মুদ্রিত হইতে আরম্ভ হয়। ১৮৯০ হইতে সাউথ্ ইণ্ডিয়ান্ ইনস্ক্রিপশন্স্ নামক ধারাবাহিক পুস্তক মুদ্রিত হইতে আরম্ভ হয়।

যাঁহারা ভারতীয় প্রাচীন লিপির অনুসন্ধান করিয়াছেন তাঁহারা বলেন যে দুইখানি শিলালিপি ব্যতীত অশোকের শিলালিপি গুলিই সর্ববাপেক্ষা প্রাচীন। অশোকের পূর্বের দুইখানি লিপির মধ্যে একখানি বড়লী হইতে ও অপরখানি নেপালের তরাইএর পিপ্রাবা হইতে পাওয়া গিয়াছে। প্রথমখানি একটা স্তম্ভগাত্রে খোদিত লিখনের অংশ। তাহার প্রথম পংক্তিতে—

“বীরায় ভগবতে” ও দ্বিতীয় পংক্তিতে “চতুরাসিত্তি বস” খোদা আছে। ইহা বোধ হয় জৈনদের অন্তিম তীর্থঙ্কর মহাবীরের নির্বাণ সময়ের ৮৪ বর্ষ। তাহা হইলে এই লিপি খৃষ্ট পূর্ব (৫২৭—৮৪) ৪৪৩ বৎসরে লিখিত হইয়াছিল, অর্থাৎ ইহাকে অশোকের পূর্ববর্তী বলিতে হইবে।

দ্বিতীয়টী একটী স্তূপের ভিতর প্রাপ্ত একটী কোঁটার উপর ক্ষোদিত। এই পাত্রে বুদ্ধদেবের অস্থি রক্ষিত হইয়াছিল। ইহা হইতে বুঝা যায় যে এই পাত্র-গাত্রের লিপি বুদ্ধদেবের নির্বাণ কালের অর্থাৎ খৃঃ পূঃ ৪৮৭ বৎসরের অল্পকাল পরের।

পৃথিবের ভারতের নানা প্রকারের লিপির তুলনা করিয়া স্থির করিয়াছেন যে, ব্রাহ্মীলিপিই সর্বাপেক্ষা প্রাচীন। যত প্রকারের লিপি যথা গুপ্ত, নাগরী, শারদা, বাঙ্গালা, পশ্চিমী, মধ্যপ্রদেশী, তেলেগু, কান্নেড়ী, তামিল, গ্রন্থ, গুরুমুখী, গুজরাতি, উড়িয়া, বর্মী, শ্যামী, সংহলী, তিব্বতী, কান্সোজী, মালয়, যবদ্বীপী ইত্যাদি এক সামান্য ব্রাহ্মীলিপির ক্রমবিকাশ মাত্র। এই প্রাথমিক ব্রাহ্মীলিপির সম্যক জ্ঞান হইলে অত্র লিপির জ্ঞান সুগম হইবে।

হস্তলিখিত লিপিতে সময়ানুসারে লেখকের রুচি ভেদে পরিবর্তন হইয়াই থাকে। ব্রাহ্মীলিপিতেও এই নিয়মের বাতিক্রম হয় নাই। ইহাতেও সময়ের সঙ্গে সঙ্গে অনেক পরিবর্তন হইয়াছে। পরিবর্তনের গতি ও ধারা এক এক প্রদেশে এক এক প্রকারের, এবং এই কারণেই এদেশস্থ নানা লিপির মধ্যে এত বিভিন্নতা দাঁড়াইয়াছে।

খৃষ্টীয় চতুর্থ শতাব্দী পর্য্যন্ত যে লিপি ব্যবহৃত হইয়াছে তাহার বা তাহার পরিবর্তিত রূপকে ব্রাহ্মীলিপি বলে। অশোকের প্রায় সমস্ত শিলালিপিই ব্রাহ্মীলিপিতে লিখিত। কেবল শাঙ্কাজগটী ও মন্সেরার পর্বতগারে ক্ষোদিত দুইটী অনুশাসন খরোষ্ঠী লিপিতে লিখিত। শেষোক্ত লিপি খৃঃ পূঃ তৃতীয় শতকে* ভারতবর্ষের কেবল উত্তর পশ্চিম সীমান্ত প্রদেশে প্রচলিত ছিল। অশোকের পূর্বের কোন শিলালিখন এই লিপিতে পাওয়া যায় নাই। ইহা দক্ষিণ হইতে বামে লিখিত হইত। তৎপূর্ববর্তী বড়লী ও পিণ্ডাবার লিপি দুইটীও ব্রাহ্মীলিপিতে লিখিত। অশোকের শিলালিপিগুলিই ব্রাহ্মী-লিপি-চর্চার প্রধান উপকরণ। অশোকের অনুশাসনগুলি তিন শ্রেণীর— গিরিলিপি, স্তম্ভলিপি ও গুহালিপি।

যখন খৃষ্ট পূর্ব পঞ্চম শতকে ব্রাহ্মীলিপি ভারতবর্ষের সর্বত্র সুন্দররূপে পরিচিত ও অভ্যস্ত ছিল দেখিতে পাওয়া যাইতেছে, তখন ইহা অনায়াসেই অনুমান করা যাইতে পারে যে ইহার বর্ণমালা সে সময়ের অন্ততঃ ৫০০ বৎসর

পূর্বের গঠিত হইয়াছিল। খৃষ্টের সহস্র বৎসর পূর্বের ভারতীয় ব্রাহ্মীলিপি লিপিবিভার এত উচ্চ স্থানে আরোহণ করিয়াছিল যে অন্যান্যদেশের বর্ণমালার সহিত ইহার তুলনাই হয় না। ইহাতে ধ্বনি ও তাহার রৈখিক সংক্ষেপে পূর্ণ সামঞ্জস্য আছে। প্রত্যেক অর্থ-ধ্বনির জন্য পৃথক পৃথক চিহ্ন থাকাতে ধ্বনিগুলি যেরূপে উচ্চারিত হয় সেই রূপেই লিখিত হয়, এবং বর্ণগুলি যে রূপে লিখিত হয় সেই রূপেই পঠিত হয়। বর্ণক্রম বৈজ্ঞানিক রীতিতে স্থির করা হইয়াছে। এই উৎকর্ষ অন্য কোন বর্ণমালায় নাই। অন্য দেশের বর্ণমালায় কোথাও বা ধ্বনি ও তাহার চিহ্নে মিল নাই, কোথাও বা একই বর্ণদ্বারা দুই বা ততোধিক ধ্বনি প্রকাশিত হয়। অক্ষরের পারস্পর্য্যেরও কোন নিয়ম দৃষ্ট হয় না।

এক শ্রেণীর যুরোপীয় পাণ্ডিতেরা ভারতীয় বর্ণমালাকে গ্রীক-ইটালীয় বর্ণমালা অপেক্ষা নিকৃষ্ট বলিয়াছেন, কারণ ইহাতে ব্যঞ্জনের সহিত যে সকল স্বরবর্ণ যুক্ত থাকে তাহাদের চিহ্নমাত্র ব্যবহৃত হয় সম্পূর্ণ অবয়ব বিশিষ্ট বর্ণ ব্যবহৃত হয় না, এবং অকারের কোন চিহ্নই ব্যবহার করা হয় না। আমরা বলি, ভারতীয় বর্ণমালাতে বেরূপ নানা স্বরের প্রতিনিধি আছে এরূপ কোন বর্ণমালাতেই নাই, এবং কোন স্বর যখন স্বাধীন থাকে অর্থাৎ ব্যঞ্জনে যুক্ত হয় না, তখন তাহার প্রকাশক পূর্ণ অবয়ব বিশিষ্ট বর্ণ ব্যবহৃত হয়। ইহা আর্থ্যা স্বাধিদেগের অধিক বুদ্ধির পরিচায়ক। আর্থ্যা বর্ণমালা যে শ্রেষ্ঠ তাহা ধীরভাবে বিবেচনা করিলে সকলকেই স্বীকার করিতে হইবে।

এখন পর্য্যন্ত বতদূর অনুসন্ধান হইয়াছে তাহা হইতে জানা যায় যে ব্রাহ্মী-লিপিই ভারতবর্ষের আদি লিপি এবং খৃষ্ট পূর্ব ৫০০ বৎসর হইতে খৃষ্টাব্দ ৩৫০০ পর্য্যন্ত ইহা সমগ্র ভারতবর্ষে প্রচলিত ছিল। তাহার পর ইহার লিখনের গতি দুইটা ধারায় বিভক্ত হইয়াছে। এই দুই ভঙ্গীকে উত্তরী ও দক্ষিণী প্রণালী বলা যাইতে পারে। উত্তরী প্রণালীর প্রচার বিস্তার উত্তরে, এবং দক্ষিণী প্রণালীর প্রচার বিস্তার দক্ষিণে ইহা মোটামুটি বলা যাইতে পারে। সময়ে সময়ে ইহার কিছু ব্যতিক্রম দেখিতে পাওয়া যায়। সময়ে সময়ে একই স্থানে দুই প্রকারের লিপি দেখিতে পাওয়া যায়। যেমন মধ্যভারতে দ্বিতীয় চন্দ্রগুপ্তের সাঁটার লিপি দক্ষিণী ভঙ্গীতে লিখিত এবং

ঐ সম্রাটের সময়ের উদয়গিরিতে প্রাপ্ত একখানি লিপি উত্তরী ভঙ্গীতে লিখিত।

উত্তরী প্রণালী।

ব্রাহ্মী লিপির যে আকার এ পর্যন্ত হস্তগত তাহার প্রাচীন রূপ যে কি ছিল তাহা বলা যায় না। পিপ্ৰাবা ও বড়লীর লিপি অশোকের লিপি হইতে প্রাচীন, তথাপি দুই সময়ের লিখন প্রণালীর মধ্যে প্রভেদ অতি সামান্য। বড়লীর লিপিতে কেবল ঈকারের চিহ্ন ভিন্ন প্রকারের। অশোকের সময়ের লিপি হইতে উত্তরী প্রণালীর লিপির বিকাশ হইয়াছে।

১। গুপ্তলিপি—গুপ্ত বংশের রাজাদের লিপির প্রচার সমগ্র উত্তর ভারতে হওয়াতে ইহার নাম গুপ্তলিপি দেওয়া হইয়াছে। খৃষ্টীয় চতুর্থ ও পঞ্চম শতকে ঐ লিপির প্রচার ছিল। ঐ সময়ের দানপত্র ও সামারণ লিখনাদিতেও ঐ লিপির পরিচয় পাওয়া যায়।

২। কুটিল লিপি—ইহার অক্ষরের কুটিল আকৃতি বলিয়া এক্ষণে ইহার এই নাম দেওয়া হইয়াছে। এ নাম পূর্বের কখনও ব্যবহৃত হইত না। ইহা গুপ্তলিপি হইতে বাহির হইয়াছে এবং ইহার প্রচার খৃষ্টীয় ষষ্ঠ হইতে নবম শতক পর্যন্ত। ইহা সমগ্র উত্তর ভারতে প্রচলিত ছিল। ইহার অক্ষরের দণ্ডায়মান রেখাগুলির উপরিস্থ মাত্রার নীচে প্রায়ই একটী ছোট ত্রিকোণ করিয়া তাহা কালীদ্বারা পূর্ণ করিয়া দেওয়া হইত। ইহা হইতে শারদা ও প্রাচীন নাগরী বাহির হইয়াছে।

৩। শারদা লিপি—খৃষ্টীয় দশম শতক হইতে ভারতবর্ষের উত্তর পশ্চিম সীমায় অর্থাৎ কাশ্মীর ও পাঞ্জাবে ইহার প্রচার ছিল। ইহা কুটিল লিপি হইতে বাহির হইয়াছে। এই লিপি হইতে বর্তমান কাশ্মীরী লিপি বাহির হইয়াছে। পাঞ্জাবীর অধিকাংশ অক্ষর ইহা হইতে গৃহীত।

৪। নাগরী লিপি—খৃষ্টীয় দশম শতকের আরম্ভ হইতে বা আরও পূর্ব হইতে পাঞ্জাব ও কাশ্মীর ব্যতীত উত্তর ও মধ্য ভারতের প্রায় সর্বত্র ইহার প্রচার ছিল এবং এখন পর্যন্ত ইহা প্রচলিত আছে। দশম শতকে মিথিলা ও বঙ্গ দেশেও ইহার ব্যবহার ছিল। নাগরী হইতে কায়থী, মহাজনী,

রাজস্থানী ও গুজরাতি বাহির হইয়াছে। কোনও কোনও পণ্ডিতের মতে প্রাচীন নাগরীর পূর্বদেশীয় শাখা হইতে ব্রাহ্মের উৎপন্ন হইয়াছে।

৫। বাঙ্গলা লিপি—ইহা দশম শতকে প্রাচীন নাগরীর পূর্বদেশীয় শাখা হইতে উৎপন্ন হইয়াছে বলিয়া অনেকে বিশ্বাস করেন। বঙ্গদেশের রাজা নারায়ণ পালের সময় পর্যন্ত অর্থাৎ দশম শতক পর্যন্ত বঙ্গদেশ, মিথিলা, নেপাল, আসাম ও উড়িষ্যায় এই নাগরী লিপি প্রচলিত ছিল। কিন্তু এই সময় হইতেই অক্ষরগুলিতে বাঙ্গলা অক্ষরের টান আরম্ভ হয়, এবং ক্রমশঃ একটী স্বতন্ত্র বাঙ্গলা লিপি গঠিত হয়।

প্রাচীন বাঙ্গলা লিপি হইতে নেপালের একাদশ শতকের পরবর্ত্তী লিপি, বর্ত্তমান বাঙ্গলা লিপি, মৈথিল লিপি, এবং উড়িয়া লিপি বাহির হইয়াছে। বর্ত্তমান বাঙ্গলালিপির প্রাচীন রূপ হইতে আসামী লিপি উৎপন্ন হইয়াছে।

দক্ষিণী প্রণালী।

এই প্রণালীর লিপি প্রাচীন ব্রাহ্মের এক পরিবর্ত্তিত রূপ হইতে বাহির হইয়াছে। এই প্রাচীন ব্রাহ্মীলিপি ক্ষত্রপ ও অন্ধ্র বংশীয় রাজাদের লিপিতে এবং ইহার কিছু পরবর্ত্তী দক্ষিণ দেশস্থ নাসিক, কালী আদি গুহার লিপিতে পাওয়া যায়। ইহার অক্ষরের মস্তক প্রায়ই খোলা, এবং দণ্ডায়মান রেখাগুলির উপর ছোট ছোট মাত্রা। কখন কখন এই ছোট মাত্রাগুলির নীচে ছোট ছোট ত্রিকোণ। দক্ষিণের লেখকেরা লিখনের শেভা বৃদ্ধির জন্য দণ্ডায়মান ও সমতল রেখাগুলিকে ব্রাকেটের ন্যায় লিখিয়াছেন এবং মাঝে ও শেষে কখন কখন পুঁটুলি ব্যবহার করিয়াছেন। খুব তাড়াতাড়ি টানা লেখার জন্য এবং উপরি উক্ত কারণে মূল ব্রাহ্মী অক্ষরের অনেক পরিবর্ত্তন হইয়া আধুনিক অক্ষরে দাঁড়াইয়াছে। এই সকল বর্ণমালা যে ব্রাহ্মী হইতে বাহির হইয়াছে তাহা এখন বুঝা কঠিন।

১। পশ্চিমীলিপি—ভারতবর্ষের পশ্চিম ভাগে ইহার অধিকতর প্রচার ছিল বলিয়া ইহার নাম পশ্চিমী দেওয়া হইয়াছে। ইহাতে উত্তরী প্রণালীর কিছু কিছু প্রভাব পড়িয়াছে। ইহা গুজরাত, কাঠিয়াবাড়, নাসিক, খান্দেশ ও সাতারা জেলাতে, হাইদ্রাবাদ রাজ্যের কোন কোন অংশে, ককনে ও মহীশূর রাজ্যের কোন কোন স্থানে ৫ম হইতে ৯ম শতক পর্যন্ত প্রচলিত

ছিল। ৫ম শতাব্দীতে ইহার কিছু কিছু প্রচার রাজপুতানা ও মধ্যভারতে থাকারও পরিচয় পাওয়া যায়।

২। মধ্যপ্রদেশী লিপি—ইহা মধ্যপ্রদেশে, হাইদ্রাবাদ রাজ্যের উত্তর-ভাগে ও বৃন্দেলখণ্ডের কোন কোন অংশে খৃষ্টীয় ৫ম হইতে ৮ম শতাব্দী পর্য্যন্ত পাওয়া যায়। ইহার অক্ষর লম্বা ছাঁদের, সমকোণ-বহুল, ও মাথা-চৌকা। এই লিপির উপরও উত্তরী প্রণালীর প্রভাব পড়িয়াছে। পশ্চিমীর সহিত ইহার অনেক সাদৃশ্য আছে।

৩। তেলুগু-কানেড়ী—ইহা দক্ষিণ মহারাষ্ট্র দেশে, হাইদ্রাবাদ রাজ্যের দক্ষিণ ভাগে, মহীশূর রাজ্যে এবং মাদ্রাজ প্রদেশের উত্তর পূর্ব ভাগে ৫ম হইতে ১৪শ শতক পর্য্যন্ত কয়েক প্রকারে রূপান্তরিত হইয়াছে। ইহা হইতে বর্তমান তেলুগু ও কানেড়ী লিপি গঠিত হইয়াছে। অক্ষরগুলি গোল গোল।

৪। গ্রন্থলিপি—ইহা মাদ্রাজ প্রদেশের আর্কট, সালাম, ত্রিচিনাপল্লী, মাদুরা ও তিনেভল্লীতে, ও ট্রাভান্কোর রাজ্যে প্রচলিত ছিল। খৃষ্টীয় ৫ম হইতে ১৫শ শতক পর্য্যন্ত রূপান্তরিত হইতে হইতে ইহা বর্তমান গ্রন্থলিপিতে দাঁড়াইয়াছে। এই লিপি হইতে তুলুলিপি ও মালয়ালম লিপি বাহির হইয়াছে। মাদ্রাজ প্রদেশের যে যে ভাগে তামিল লিপির প্রচার সেই সেই স্থানে সংস্কৃত গ্রন্থ এই লিপিতে লেখা হয়, কারণ তামিলের বর্ণমালা অসম্পূর্ণ, এবং তাহা দ্বারা সংস্কৃত লেখা যায় না। এইজন্য ইহার নাম গ্রন্থলিপি।

৫। তামিল লিপি—যেখানে যেখানে প্রাচীন গ্রন্থলিপি প্রচলিত ছিল সেই সেই স্থানে খৃষ্টীয় ৭ম শতক হইতে এই লিপি প্রচলিত আছে। ইহা পরিবর্তিত হইতে হইতে বর্তমান তামিল লিপিতে দাঁড়াইয়াছে। ইহাতে সংযুক্ত বর্ণ মিলিত ভাবে লেখা হয় না পরন্তু পাশাপাশি স্থাপিত হয়। ইহাতে স্বরবর্ণগুলি সব আছে এবং প্রত্যেক বর্ণের প্রথম ও পঞ্চম বর্ণ, য, র, ল, ব, ঙ, ঞ, ট, ঠ, ড, ঙ এই ১৮টী বর্ণ আছে। বর্ণের তৃতীয় বর্ণের কাজ প্রথম বর্ণের দ্বারা হয় এবং ‘শ’য়ের কাজ ‘চ’য়ের দ্বারা হয়।

৬। কলিঙ্গ লিপি—ইহা মাদ্রাজ প্রদেশের চিকাকোল ও গঞ্জামের মধ্যবর্তী দেশে ৭ম হইতে ১০ম শতক পর্য্যন্ত প্রচলিত ছিল। ইহার সহিত মধ্যপ্রদেশী লিপির কিছু কিছু মিল আছে। *

এই আলোচনার পরিশিষ্টে ১২খানি চিত্র দেওয়া হইল।

১ম চিত্রে অশোকের সময়ের ব্রাহ্মীবর্ণমালা দেওয়া হইল। ইহা খৃষ্টপূর্ব ৪র্থ হইতে ১ম শতক পর্য্যন্ত ব্যবহৃত হইত।

২য় চিত্রে ব্যঞ্জননের সহিত যোগ করিবার সময় স্বরগুলির যেরূপ আকার হইত তাহা প্রদর্শিত হইল।

আকার—বর্ণের দক্ষিণে একটী সমতল রেখা, প্রায়ই শীর্ষভাগে, কখন কখন মধ্য ভাগে, যুক্ত করা হইত। যথা কা 𑀓

ইকার—ইহার চিহ্ন একটী সমতল রেখার দক্ষিণ প্রান্তে ছোট দণ্ডায়মান রেখা। উৎপন্ন কোণটী কখন কখন গোল হইয়া যাইত। ইহা বর্ণের দক্ষিণে শীর্ষভাগে যুক্ত করা হইত। যথা কি 𑀓 টি 𑀓 । কখন কখন একটী রেখা তির্যাক্ ভাবে ব্যবহৃত হইত। যথা লি 𑀓

ঈকার—ইহার চিহ্ন ইকারের চিহ্নের গায়, কেবল একটী দণ্ডায়মান রেখার স্থলে দুইটী দণ্ডায়মান রেখা। ইহাও বর্ণের দক্ষিণে শীর্ষ ভাগে যুক্ত করা হইত। কিন্তু কখন কখন চিহ্নের রেখাগুলি তির্যাক্ ভাব ধারণ করিত, অথবা কোণগুলি গোল হইয়া যাইত। যথা কী 𑀓 পী 𑀓 টী 𑀓 মী 𑀓 থী 𑀓 অতি প্রাচীন বী 𑀓

উকার—ইহার চিহ্ন একটী সমতল রেখা বা দণ্ডায়মান রেখা। ইহা ব্যঞ্জনবর্ণের পাদদেশের দক্ষিণে যুক্ত হইত। যে সকল বর্ণের অধোভাগ গোল বা সমতল রেখা বিশিষ্ট তাহাদের সহিত দণ্ডায়মান রেখা ব্যবহৃত হয়, এবং যাহাদের অধোভাগ দণ্ডায়মান রেখা বিশিষ্ট তাহাদের সহিত সমতল রেখা যুক্ত হয়। যথা কু 𑀓 সু 𑀓 𑀓 𑀓 𑀓

ঊকার—ইহার চিহ্ন, দুইটী ছোট সমতল বা দণ্ডায়মান রেখা, উকারের সদৃশ, বর্ণের পাদদেশে ব্যবহৃত হয়। যথা কু 𑀓 জু 𑀓 𑀓 𑀓

ঋকার—ইহার চিহ্ন বৃত্তখণ্ডাকার, ব্যঞ্জননের পাদদেশে ব্যবহৃত হয়। ইহা ২য় খৃঃ শতক হইতে পাওয়া যায়। যথা কু 𑀓 গু 𑀓 𑀓 𑀓

একার—ইহার চিহ্ন একটী ছোট সমতল রেখা, প্রায়ই ব্যঞ্জন বর্ণের শীর্ষদেশের বাম দিকে যুক্ত হয়। যথা কে 𑀓 টে 𑀓 𑀓 𑀓

একার—ইহার চিহ্ন, দুইটি সমতল রেখা, একারের ন্যায় ব্যবহৃত হয়।
থা কৈ 𑀭 থৈ 𑀮 বৈ 𑀯।

ওকার—ইহার চিহ্ন, ব্যঞ্জন বর্ণের শীর্ষদেশের, কখনও বা শীর্ষদেশের
কিঞ্চিৎ নিম্নের, দুই পাশে দুইটি ছোট সমতল সরল রেখা। যথা কো 𑀭
ঙো 𑀮 গো 𑀯 মো 𑀰 লো 𑀱।

ঔকার—ইহার চিহ্ন ব্যঞ্জন বর্ণের শীর্ষদেশের বাম ভাগে দুইটি ছোট সমতল
রেখা, ও দক্ষিণ ভাগে একটি সমতল রেখা। যথা কো 𑀭। ঔকারের
ব্যবহার খ্রীষ্টীয় দ্বিতীয় শতকে প্রথম দেখিতে পাওয়া যায়। যথা পৌ 𑀭
নৌ 𑀮 যৌ 𑀯। শেষোক্ত দুইটি উদাহরণে দক্ষিণ দিকে দুইটি
রেখা থাকাতে নিয়মের কিছু ব্যতিক্রম দৃষ্ট হইতেছে।

৩য় চিত্রে কয়েকটি সংযুক্ত বর্ণের আকার দেওয়া হইয়াছে। এই
সংযুক্ত বর্ণের কতকগুলিতে নীচের বর্ণ আগে পড়িতে হইবে এবং উপরের
বর্ণ শেষে পড়িতে হইবে ব্য 𑀭 𑀮 𑀯 𑀰 𑀱 𑀲।

৪র্থ চিত্রে একটা অশোক অনুশাসনের কিয়দংশ এবং তাহার বাঙ্গলা
অনুরূপ ও অনুবাদ প্রদত্ত হইয়াছে।

৫ম চিত্রে নাগরী ও বাঙ্গলা ব্যঞ্জনে স্বরবর্ণ সংযুক্ত হইলে সেই স্বরবর্ণ-
গুলি যে রূপ আকার ধারণ করে তাহাদের উৎপত্তি দেখান হইয়াছে।

৬ষ্ঠ চিত্রে সঙ্জ্ঞাপ্ত ভাবে নাগরী ও বাঙ্গলা অঙ্কের উৎপত্তি দেখান
হইয়াছে।

৭ম চিত্রে অংখ্যাচক চিহ্নসমূহের যুগে যুগে কিরূপ পরিবর্তন হইয়াছে
তাহা দেখান হইয়াছে। প্রথমে অশোকের সময়ের রূপ, তৎপরে খৃঃ পূঃ
দ্বিতীয় শতকের, তৎপরে খ্রীষ্টীয় ১ম ও ২য় শতকের, তৎপরে ২য় হইতে ৪র্থ
শতকের, তৎপরে ৪র্থ হইতে ৬ষ্ঠ শতকের, তৎপরে ৬ষ্ঠ শতকের, তৎপরে
৭ম ও ৮ম শতকের, তৎপরে ৯ম শতকের, তৎপরে ১০ম শতকের, তৎপরে
১০ম শতকের পরবর্তী সময়ের, ও শেষে আধুনিক নাগরী রূপ প্রদর্শিত
হইয়াছে।

৮ম চিত্রে অশোকের লিপি যুগে যুগে কি রূপে পরিবর্তিত হইয়া আধুনিক
নাগরী রূপ ধারণ করিয়াছে তাহা প্রদর্শিত হইল। প্রথম স্তম্ভে বর্ণগুলির

নাম দেওয়া হইয়াছে, দ্বিতীয় স্তম্ভে ঋ: পৃ: ৪র্থ হইতে ১ম শতক পর্য্যন্ত ব্যবহৃত ব্রাহ্মীলিপির আকার প্রদর্শিত হইয়াছে, তৃতীয় স্তম্ভে কুষাণ নরপতি-গণের, ও খৃষ্টীয় প্রথম হইতে তৃতীয় শতক পর্য্যন্ত ব্যবহৃত বর্ণমালার আকার দেওয়া হইয়াছে, চতুর্থ স্তম্ভে গুপ্ত সম্রাটগণের অর্থাৎ খৃষ্টীয় চতুর্থ ও পঞ্চম শতকের বর্ণমালা দেওয়া হইয়াছে। পঞ্চম স্তম্ভে সপ্তম হইতে নবম শতকের বর্ণমালা দেওয়া হইয়াছে। ৬ষ্ঠ স্তম্ভে প্রাচীন ও আধুনিক নাগরীর রূপ দেওয়া হইয়াছে।

৯ম চিত্রে সঙ্ক্ষিপ্ত ভাবে নাগরী ও বাঙ্গলা বর্ণমালার উৎপত্তি প্রদর্শিত হইয়াছে। উভয়ই সপ্তম হইতে নবম শতকের বর্ণমালা হইতে উৎপন্ন হইয়াছে। প্রথম স্তম্ভে বর্ণগুলির বাঙ্গলা নাম দেওয়া হইয়াছে, দ্বিতীয় স্তম্ভে অশোকের সময়ের বর্ণমালা দেওয়া হইয়াছে, তৃতীয় স্তম্ভে গুপ্ত ও কুটিল লিপির আকার দেওয়া হইয়াছে, চতুর্থ স্তম্ভে প্রাচীন ও আধুনিক নাগরীর রূপ দেওয়া হইয়াছে, পঞ্চম স্তম্ভে প্রাচীন ও আধুনিক বাঙ্গলা রূপ দেওয়া হইয়াছে। তিন চারি শত বৎসর অন্তর কেমন করিয়া বর্ণগুলি ক্রমশঃ পরিবর্তিত হইয়াছে এই চিত্র দেখিয়া তাহা বেশ অনুভব করা যায়। এক্ষণে প্রত্যেক বর্ণের পর পর পরিবর্তনের বিবরণ দেওয়া হইতেছে।

অ—একটি রেখা তির্যাক্ ভাবে বাম দিক্ হইতে দক্ষিণ দিকে উপর হইতে নীচে নামিল, অপর একটি রেখা বাম দিক্ হইতে দক্ষিণ দিকে নীচে হইতে উপরে উঠিল, দুইটি রেখার দক্ষিণ প্রান্ত এক বিন্দুতে মিলিল, সেই বিন্দু হইতে উপর দিকে ও নীচের দিকে দণ্ডায়মান রেখা টানিলে অশোকের ‘অ’ হইল। ঐ দণ্ডায়মান রেখার মস্তকের দক্ষিণ দিকে একটি ছোট সমতল রেখা টানিলে অশোকের ‘আ’ হইল। কুষাণদের ‘অ’ বর্ণে বামদিকস্থ নীচেকার তির্যাক্ রেখাটির পরিবর্তে একটি আঁকা বাঁকা রেখা আছে, উপরের তির্যাক্ রেখাটি একটু বড়। গুপ্তদের ‘অ’ বর্ণের উপরের তির্যাক্ রেখাটি অর্দ্ধ বৃত্তাকার, পেট বাহিরের দিকে ঠেলা, নীচের তির্যাক্ রেখাটিও অর্দ্ধ বৃত্তাকার ধারণ করিয়াছে কিন্তু পেট ভিতরের দিকে ঠেলা ও উপরের অর্দ্ধবৃত্তাকার রেখার পেটের সামনা সামনী অবস্থিত। ৭ম হইতে নবম শতকের লিপিতে অর্থৎ কুটিল লিপিতে উপরকার অর্দ্ধবৃত্তটি খুব ঘেরওয়ালা ও কিছু চৌকাগোছর হইয়া দণ্ডায়মান

রেখার সহিত মিলিয়াছে ও নীচেকার অর্দ্ধবৃত্তটি উপরের চৌক। গোছের রেখার সহিত মিলিয়াছে, কেবল প্রান্ত দুইটি বাহির হইয়া আছে; তাহার পরে ইহা পুরাতন বাঙ্গলা ‘অ’কার হইয়াছে। তাহার পর এখনকার ‘অ’কার।

ই—অশোকের সময় ইহা তিনটি বিন্দু মাত্র ছিল, উপরে একটি, নীচে দুইটি। কুষাণদের সময় উপরের বিন্দুটি একটি ছোট রেখা হইয়া গিয়াছে, নীচেকার বিন্দু দুইটি যেমন তেমনই আছে। গুপ্তদের অক্ষরে উপরের রেখা ডানদিকের বিন্দুর সহিত একটি বক্র রেখার দ্বারা মিলিত হইয়াছে এবং বাঁ দিকের বিন্দুর নীচে হইতে একটি রেখা তির্ধ্যাক্ ভাবে ডানদিকে নামিয়া আসিয়াছে। ইহার পরে বিন্দু দুইটি একটি রেখার দ্বারা যুক্ত হইয়াছে এবং এক টানে সমস্ত অক্ষরটি লেখা হইয়াছে। বাঙ্গলা টানে মাত্রার ডান দিকটা একটু উঁচু হইয়া ক্রমশঃ ঐ উচ্চ অংশ নিশানের মত উড়িয়া গিয়াছে।

ঈ—এই বর্ণটি খৃষ্টীয় ২য় হইতে ৫ম শতকের মধ্যে পশ্চিমী ক্ষত্রপদের মুদ্রায় প্রথম দেখিতে পাওয়া যায়। ঐ সময়ে ইহা একটি দণ্ডায়মান রেখার স্থায়, ও রেখার তলাটি বাঁদিকে ঘুরিয়া গোল হইয়া গিয়াছে। দণ্ডায়মান রেখার দুই দিকে দুই বিন্দু এবং রেখার মাথায় ছোট মাত্রা। গুপ্তদের সময়ে এবং কিছু পরে ইহার আকার প্রায় এইরূপ। ষষ্ঠ শতক হইতে ইহার আর একটি রূপ দেখিতে পাওয়া যায়, দুইটি বিন্দুর নীচে একটি মাত্রাহীন বাঙ্গলা ‘ত’। এই রূপটি পরে পরিবর্তিত হইয়া বাঙ্গলা ঈকারের রূপ ধারণ করিয়াছে। দেবনাগরী ‘ঈ’ সম্ভবতঃ দেবনাগরী ‘ই’ হইতে উৎপন্ন হইয়াছে।

উ—অশোকের সময় ইহার আকার—একটি সমতল রেখার বাম প্রান্ত হইতে একটি দণ্ডায়মান রেখা উপরে উঠিয়াছে। যে সমকোণটি উৎপন্ন হইল তাহা কখনও কখনও সমকোণ অপেক্ষা ছোট হইত, কখনও কখনও গোল হইয়া যাইত। কুষাণদের সময় উপরের রেখাটি একটু বড়, তলার রেখার দক্ষিণ প্রান্তটি নীচের দিকে বাঁকান। গুপ্তদের সময় সমতল রেখাটির ডানদিকের প্রান্ত নীচের দিকে ঘুরিয়া বাঁদিকে চলিয়া গিয়াছে। সপ্তম শতক হইতে নবম শতকের মধ্যে ইহার আকার বাঙ্গলা ‘ড’ এর মত। পরে ইহা দেবনাগরী উকারের রূপ ধারণ করিয়াছে। বাঙ্গলা রূপে ডয়ের মাথায় মাত্রা ব্যবহৃত হয়, পরে মাত্রার ডান প্রান্তটি উপর দিকে উঁচু হইয়া

যায় এবং শেষে মাত্রার উপরের অংশটি উড্ডীয়মান নিশানের আকার ধারণ করে।

উ—ঋ: পূ: দ্বিতীয় শতকে 'ভরহৃত স্তূপের লিখনে 'উ' এর আকার ঠিক 'উ' এর আকারের ন্যায়, কেবল নিম্নের কোণের কিছু উপরে আর একটা সমতল রেখা। ঋ: পূ: প্রথম শতকে কোণটি গোল হইয়া গিয়াছে। গুপ্তদের সময়ে নীচের সমতল রেখাটির ডান দিকের প্রান্ত নীচের দিকে মুড়িয়া বাঁদিকে চলিয়া গিয়াছে এবং তাহার কিঞ্চিৎ উপরের সমতল রেখাটি নীচের দিকে মুড়িয়া গিয়াছে। পরে এই বর্ণটি দেবনাগরী আকার ধারণ করিয়াছে। ৭ম হইতে নবম শতকের যে আকার তাহা হইতে বাঙ্গলা আকার হইয়াছে, উপরের সমতল রেখাটি নীচের দিকে মুড়িয়া বাঁদিকে গোল হইয়া অনেক দূর চলিয়া গিয়াছে। মাথার নিশানের উৎপত্তি উকারের নিশানের উৎপত্তির ন্যায়।

ঋ—ষষ্ঠ শতকের লিপিতে ঋ, ঋ, ৯, ৯ এই চারিবর্ণ প্রথম দেখিতে পাওয়া যায়। পরবর্ত্তী সময়ে ইহাদের আকার কিছু কিছু পরিবর্তিত হইয়াছে, কিন্তু বেশ ধারাবাহিক ভাবে পরিবর্তন গুলি বোঝা যায় না।

এ—অশোকের সময় 'এ'র আকার একটা ত্রিভুজের ন্যায় ছিল। কুষাণদের সময়ে সমবাহু ত্রিভুজটির আধার নীচের দিকে। গুপ্তদের সময়ে প্রথমে এই রূপ, পরে সমবাহু ত্রিভুজটির আধার উপরে উঠিয়া সমতল ভাবে স্থিত, পরে ত্রিভুজের একটা ভুজ সমতল ভাবে উপরে, এবং ডান দিকের ভুজটি এই রেখার সহিত লম্বভাবে থাকিল, অতএব উপরের সমতল রেখাটি যেন মাত্রার মত হইল, এবং বাঁদিকের ত্রির্ঘ্যক রেখাটি কিঞ্চিৎ গোল ভাবাপন্ন হইল। ৭ম হইতে নবম শতকের মধ্যে বাঁদিকের ঈষৎ গোল রেখাটি উপর হইতে নামিবার সময় প্রথমে কিছু দূর খাড়া ভাবে নামিয়া পরে বাঁকিয়া ডান দিকের লম্ব রেখার প্রান্তে গিয়া মিলিল। পরবর্ত্তী সময়ে বাঁদিকের বক্র রেখাটি লম্ব রেখার সহিত মিলিত হইবার পর ডান দিকে আরও কিছু নামিয়া গিয়াছে। ইহাই দেবনাগর 'এ'। বাঙ্গলা 'এ'র আকারের সূত্রপাত দশম শতক হইতেই। ঐ সময় হইতে উপরের মাত্রাটি বাঁ দিকে কিছু বাড়িয়া গিয়াছে। একাদশ শতকে উহার প্রান্তে খুঁটুলী হইয়াছে এবং দ্বাদশ শতকের

প্রারম্ভে মাত্রার সহিত বাদিকের বাঁকা রেখার ছাড়াছাড়ি হইয়াছে। পরে এখনকার আকার ধারণ করিয়াছে।

ঐ—এই বর্ণ ঋ: পৃ: দ্বিতীয় শতকের হ্রস্বীণ্ডহার লিপিতে প্রথম পাওয়া যায়। তখন ইহার আকার নিম্নে আধার বিশিষ্ট একটা সমদ্বিবাহু ত্রিভুজ, উপরের কোণ হইতে বাদিকে একটা ছোট সমতল রেখা চলিয়া গিয়াছে। গুপ্তদের সময়ে বাদিকের ঐ রেখাটা মস্তকের উপর নিশান হইয়া উড়িতেছে। পরে ‘ঐ’র মত পরিবর্তিত হইয়া আধুনিক নাগরী ও বাঙ্গলা আকার ধারণ করিয়াছে।

ও—অশোকের সময়ে ইহার আকার ইংরাজী বড় জেডের (Z) স্থায় একটা খাড়া রেখার বাঁধারে একটা ছোট সমতল রেখা ও পায়ের ডান ধারে একটা ছোট সমতল রেখা। কুষাণদের সময়ে উপরের সমতল রেখাটির বাদিকের প্রান্ত নীচের দিকে ঘুরিয়া গিয়াছে। গুপ্তদের সময়ে নীচের সমতল রেখাটির প্রান্ত নীচে বাদিকে ঘুরিয়া গোল হইয়া গিয়াছে। ৭ম হইতে ৯ম শতকের মধ্যে উপরের সমতল রেখাটাও কিছু গোল হইয়া গিয়াছে। পরে বাঙ্গলা ‘ও’ রূপে পরিণত হইয়াছে। নাগর ‘ও’ এখন ‘অ’ যের সহিত ওকারের চিহ্ন যোগ করিয়া নির্মিত হয়, কিন্তু পূর্বের বাঙ্গলা ‘ও’র মাঝখান হইতে ডান দিকে একটা সমতল রেখা টানিয়া তাহার ডান প্রান্তে উপর নীচে একটা খাড়া রেখা টানিয়া নির্মিত হইত, ঠিক এখনকার বোস্বাই টাইপের ‘অ’য়ের স্থায়। পরে ‘অ’ য়ে এবং ‘ও’ য়ে গোলমাল হইয়া যাইবার আশঙ্কায় ‘অ’এর সহিত ‘ও’ কারের চিহ্নের যোগ হইতে আরম্ভ হয়। দেবনাগরী ও সম্বন্ধেও এই রূপ বলা যাইতে পারে।

ঔ—এই বর্ণ টা ৭ম শতকে প্রথম দৃষ্ট হয়। ঐ সময়ের ‘ও’র মধ্য হইতে একটা ডান দিকে টানা সমতল রেখার দক্ষিণ প্রান্ত হইতে একটা রেখা উপরের দিকে উঠিয়াছে। তাহা পরে গোল হইয়া নিশানের আকার ধারণ করিয়াছে।

অমুস্বার ও বিসর্গ প্রথম হইতেই আছে। দেবনাগরীতে অমুস্বারের বিন্দু মাথার উপর উঠিয়াছে।

ক—অশোকের সময়ে ইহা একটা লম্ব রেখা ও উহার মধ্যস্থল হইতে বামে ও দক্ষিণে উভয় দিকে বিস্তৃত একটা সমতল রেখা। কুষাণদের সময়ে

লম্ব রেখাটির নীচের প্রান্ত বাদিকে গোল হইয়া বাঁকিয়া গিয়াছে ও সমতল রেখাটির উভয় প্রান্তই কিঞ্চিৎ গোল হইয়া নীচের দিকে বাঁকিয়া গিয়াছে। লম্ব রেখাটির মস্তকে সামান্য একটু মাত্রা দেখা দিয়াছে। গুপ্তদের সময়েও তাহাই, কেবল বর্ণটী কিঞ্চিৎ খর্ব্বাকার হইয়া গিয়াছে। সপ্তম শতক হইতে নীচের বাঁকা রেখাটি সমতল রেখার বাদিকের বাঁকা প্রান্তের সহিত মিলিয়া গিয়াছে এবং সমতল রেখার দক্ষিণ প্রান্তটি ঝুলিয়া গিয়াছে। পরে ত্রিকোণটি দেবনাগরীতে গোল আকার ধারণ করিয়াছে, কিন্তু বাঙ্গলাতে ত্রিকোণটি স্পষ্ট হইয়াছে ও তাহার ডানদিকে আঁকড়া হইয়াছে।

খ—আশোকের সময়ে ইহা একটা ইংরাজী নোট অফ্ ইণ্টারোগেশনের মত, নীচে একটা মোটা গোল বিন্দু সংলগ্ন। পরে এই গোল বিন্দুটি মধ্যে ফাঁক হইয়া বৃত্তাকার ধারণ করিয়াছে এবং সময়ে সময়ে বৃত্তটি উপর নীচে লম্বা হইয়া গিয়াছে। কুষাণদের সময়ে বৃত্তটি ত্রিকোণ হইয়াছে। গুপ্তদের সময়েও তাহাই, অধিকন্তু উপরের গোল রেখার মুখে একটা ছোট সমতল বা তির্যাক রেখা দেখা দিয়াছে। সপ্তম শতকে এবং পরে বাদিকের গোল রেখাটি মাত্রা হইতে বিলম্বিত একটা খাড়া রেখা হইয়াছে, প্রান্তটি পুঁটুলি যুক্ত; ডান দিকে মাত্রার নীচে একটা ত্রিকোণ ॥ ত্রিকোণের মাথা ফাঁক হইয়া বাঙ্গলা খ হইয়াছে। দেবনাগরীতে বাদিকের পুঁটুলী হইতে ডান দিকে হেলান একটা রেখা নীচের দিকে চলিয়া গিয়াছে এবং ত্রিকোণটি একটা লম্বরেখার বাদিকে সংলগ্ন বৃত্তে পরিণত হইয়াছে।

গ—অশোকের সময় ইহার আকার দুইটা তির্যাক রেখা দ্বারা নির্মিত একটা কোণ, ইহার ফাঁকটি নীচের দিকে। ঐ সময়েই কোণটি কিছু পরিমাণে গোল হইয়া গিয়াছিল, এমন কি উপরের অংশটি অর্ধ বৃত্তাকারে ধারণ করিয়াছিল এবং প্রান্ত দুইটা সরল রেখা হইয়া লম্বভাবে দাঁড়াইয়া থাকিত। পরে কুষাণদের সময়ে বাদিকের লম্ব রেখাটি খুব ছোট হইয়া তাহার নিম্ন প্রান্তে একটা ছোট সমতল বা তির্যাক রেখা সংলগ্ন হইল। গুপ্তদের সময়ে প্রথমে তাহাই ছিল, পরে উপরের গোল অংশটি একটা সমতল রেখায় পরিণত হইল। সপ্তম হইতে নবম শতক পর্য্যন্ত এইরূপ থাকিল, পরে উপরকার সমতল রেখাটি মাত্রায় পরিণত হইল এবং বাদিকের

ছোট লম্ব রেখাটি বাঁদিকে বাঁকিয়া একটি ছোট পুঁটুলীর আকার ধারণ করিল। ইহাই দেবনাগরী ‘গ’। বাঙ্গলা ‘গ’ গুপ্তদের সময়ের ‘গ’ হইতে প্রাপ্ত। ডানদিকের দণ্ডায়মান রেখাটি অর্দ্ধবৃত্তের কিছু উপর পর্য্যন্ত উঠিয়া গিয়াছে এবং তাহার মাথার কিছু নীচে একটি অতি ছোট সমতল সরল রেখা ডানদিকে সংলগ্ন।

ঘ—অশোকের সময়ে ইহার আকার—একটি দাঁড়ান রেখা নীচে ডানদিকে গোল হইয়া ঘুরিয়া কিছু দূর উপরে উঠিয়াছে এবং এই গোল অংশের মাঝখান ইহতে একটি ছোট দাঁড়ান রেখা উঠিয়াছে। খৃষ্টের পূর্বেই নীচের গোল অংশটি সমতল রেখায় পরিণত হইয়া দক্ষিণ প্রান্তে অল্প কিছু দূর লম্বভাবে উঠিয়াছে, মধ্যের ছোট লম্ব রেখাটি যেমন তেমনই আছে। কুষাণ ও গুপ্তদের সময়ে এ অক্ষরটির কোনও পরিবর্তন হয় নাই। সপ্তম শতক হইতে পরিবর্তন আরম্ভ হইয়াছে। প্রথমে ইংরাজী ছোট ডব্লু ইউয়ের (W) ন্যায় আকার ধারণ করিয়া ডানদিকের লম্ব রেখাটি নীচের দিকে কিঞ্চিৎ বাড়িয়া গিয়াছে। দশম শতকে বাঙ্গলা ও নাগরী আকারের সূত্রপাত হইয়াছে।

ঙ—সপ্তম শতকে ইহা প্রথম দৃষ্ট হয়। তখন ইহার আকার তিনটি সরল রেখার দ্বারা গঠিত, একটি দাঁড়ান রেখার উপরের ও নীচের প্রান্ত হইতে দুইটি সরল রেখা ডানদিকে অবস্থিত, ও উপরের সমতল রেখার দক্ষিণ প্রান্তে একটি স্থূল বিন্দু। পরে দাঁড়ান রেখাটি উপরে ডানদিকে হেলিয়া গিয়াছে, নীচের সমতল রেখাটি ডান প্রান্তে বাঁকিয়া নীচের দিকে গিয়াছে ও উপরের সমতল রেখার ডান প্রান্তে পুঁটুলী হইয়াছে। নবম শতকের পরে ক্রমশঃ ‘ড’য়ের আকার ধারণ করিয়াছে কিন্তু ডানদিকে মাথার কাছে মোটা বিন্দু বা পুঁটুলী আছে। পরে বাঙ্গলা ও নাগরীরূপ ধারণ করিয়াছে।

চ—অশোকের সময়ে ইহার আকার—একটি দাঁড়ান রেখার নীচের অর্দ্ধেকের বাঁ দিকে একটি অর্দ্ধবৃত্ত, অর্দ্ধবৃত্তের দুইটি প্রান্ত দাঁড়ান রেখার সহিত মিলিত। ক্রমশঃ এই অর্দ্ধবৃত্তটি ত্রিকোণের আকার ধারণ করিয়াছে। কুষাণদের সময়ে ইহা যেন বাঙ্গলা ছাপার ঠায়ের মত। গুপ্তদের পরে বাঙ্গলা

বয়ের মত। সপ্তম শতকে এই বয়ের ডান দিকের দাঁড়ন রেখাটি উপরের দিকে কিছু উঠিয়া মাথায় মাত্রা গ্রহণ করিয়াছে। ইহা হইতেই নাগরী চ উৎপন্ন। সপ্তম শতকের চ ডানদিকে উণ্টাইয়া বাঙ্গলা চ হইয়াছে।

ছ—অশোকের সময়ে ইহার আকার—একটি বৃত্ত একটি লম্ব রেখা দ্বারা দ্বিখণ্ডিত হইয়াছে ও এই রেখাটি আরও কিছু উপরে উঠিয়াছে। পরে ইহা পরিবর্তিত হইয়া যেন দুইটি অণ্ডাকৃতি বৃত্তের সংযোগ দ্বারা নির্মিত হইয়াছে এবং সংযোগ স্থল হইতে একটি লম্ব রেখা উপরে উঠিয়াছে। কুষাণদের সময়েও তাহাই, কেবল লম্ব রেখার মাথায় একটি ছোট মাত্রা বসিয়াছে। গুপ্তদের সময়েও এইরূপ। পরে মধ্যস্থ লম্ব রেখাটি নীচের দিকে বাড়িয়া ডান দিকে বাঁকিয়া গিয়াছে। পরে দেবনাগরীতে অণ্ডাকার বৃত্ত দুইটি উপর নীচে হইয়া গিয়া উপরের বৃত্তটি মাথার দিকে ফাঁক হইয়া গিয়াছে। বাঙ্গলাতেও উপরের বৃত্তটি ‘চ’য়ের আকার ধারণ করিয়াছে ও তাহার ডানপাশ হইতে একটি গোল রেখা কিছু দূর ‘পর্যন্ত নীচে আসিয়া ডানদিকে তির্যাকভাবে নামিয়া গিয়াছে।

জ—অশোকের সময়ে ইহা প্রায় একটি ইংরাজী ‘E’ বর্ণের ন্যায়। কুষাণদের সময়ে প্রায় তাহাই, দুইটি অর্দ্ধবৃত্ত উপর নীচে সংলগ্ন, দুইটিরই ফাঁক ডান দিকে, তবে উপরটির ফাঁক একটু নীচের দিক ঘেসিয়া, এবং নীচেরটির নীচের প্রান্ত সরল রেখার ন্যায় হইয়া ডান দিকে নামিয়া গিয়াছে। গুপ্তদের সময়ে বিশেষ কিছু পরিবর্তন নাই। সপ্তম শতক হইতে অধিক পরিবর্তন আরম্ভ হইয়াছে। উপরের বৃত্তের উপরিভাগ সমতল রেখা হইয়া মাত্রা হইয়াছে ও ডানদিকের প্রান্ত একটি ছোট সরল রেখা হইয়া ডানদিকে মাত্রা হইতে বুলিতেছে, বাঁদিকের প্রান্তটি বাঁদিকে তির্যাকভাবে নামিয়া গিয়া বাঙ্গলা ‘ড’য়ের আকার ধারণ করিয়াছে, তাহার ডানদিক হইতে একটি সমতল সরল রেখা বাহির হইয়া কিছু দূরে লম্বভাবে নীচে নামিয়া গিয়াছে। ইহা হইতে বাঙ্গলা ‘জ’য়ের উৎপত্তি। নাগরী রূপ এই সময়েরই আর একটি আকার হইতে উৎপন্ন, সেই আকার উপরদিকে পীঠ বিশিষ্ট একটি অর্দ্ধবৃত্ত, তাহার মাঝখান হইতে একটি ছোট লম্বা রেখা উঠিয়াছে, তাহার মাথায় মাত্রা। অর্দ্ধবৃত্তের বাঁদিকের প্রান্ত সমতলভাবে ডানদিকে কিছুদূর চলিয়া আসিয়া

গোল হইয়া নীচের দিকে নামিয়া গিয়াছে। পরে ঐ রেখাটি বাঁদিকে কিছু দূর চলিয়া গিয়াছে এবং উপরের বৃত্তাক্ষের দক্ষিণ প্রান্ত সরল রেখা হইয়া নীচে নামিয়া গিয়াছে। পরে মাত্রার নীচের ছোট লম্ব রেখাটি ও এই রেখাটি এক রেখা হইয়া একটা দাঁড়ান রেখা হইয়াছে। সেই রেখার মধ্যস্থল হইতে একটা সমতল রেখা বাহির হইয়া বাঁদিকে চলিয়া গিয়াছে এবং তাহার প্রান্তে নীচের দিকে একটা ছোট, মুখ-খোলা অর্ধবৃত্ত বুলিতেছে।

ঝ—অশোকের সময়ে ইহার আকার—একটা দণ্ডায়মান রেখার মধ্য হইতে দক্ষিণ পার্শ্বে একটা সমতল রেখা কিছু দূর গিয়াছে, তাহার প্রান্ত হইতে একটা লম্ব রেখা উপরের দিকে উঠিয়া গিয়াছে। কুষাণদের সময়েও প্রায় তাহাই, কেবল বামদিকস্থ লম্ব রেখাটি নিম্নপ্রান্তে বাম দিকে গোল হইয়া ঘুরিয়া গিয়াছে। গুপ্তদের সময়ে বিশেষ পরিবর্তন কিছু নাই। সপ্তম শতকের পরে এই লম্ব রেখাটির নীচের প্রান্ত হইতে ডানদিকে একটা তির্যক রেখা নীচের দিকে চলিয়া গিয়াছে এবং মাত্রার কিছু নীচে ঐ রেখা হইতে ডান দিকে একটা তির্যক রেখা নীচের দিকে কিছুদূর চলিয়া গিয়াছে ও তাহার প্রান্ত হইতে একটা তির্যক রেখা দক্ষিণ পার্শ্বে উপরের দিকে হেলিয়া উঠিয়াছে। পরবর্তী সময়ে শেষোক্ত রেখাটি উপরে না গিয়া নীচের দিকে চলিয়া গিয়াছে এবং কোণটি গোল হইয়া গিয়াছে, পরে এখনকার দেবনাগরী রূপ ধারণ করিয়াছে। বাঙ্গলা রূপের আরম্ভ সপ্তম শতকের রূপ হইতে। ডানদিকের সমতল রেখার প্রান্ত হইতে গোলভাব ধারণ করিয়া যে রেখাটি নীচে নামিয়াছিল তাহা নীচে না বাইয়া আবার লম্বভাবে উপরে উঠিয়াছে এবং বামদিকের রেখাগুলি মিলিয়া একটা বাঙ্গলা ‘ব’য়ের আকার ধারণ করিয়াছে।

ঞ—অশোকের সময়ে ইহা একটা ইংরাজী ছোট এইচের ন্যায়, কেবল বাঁ দিকের বড় লম্ব রেখাটির মাথা হইতে একটা অতি ক্ষুদ্র সমতল রেখা বাঁ দিকে চলিয়া গিয়াছে। কুষাণদের সময়ে লম্ব রেখাটি নীচের প্রান্তে বাঁদিকে গোল হইয়া ঘুরিয়া গিয়াছে। পরে সমস্ত রেখাটি অর্ধ বৃত্তাকার হইয়াছে, ফাঁকটি বাঁদিকে। তাহার পেট হইতে একটা সমতল রেখা কিছু দূর ডান দিকে গিয়া নীচে নামিয়া গিয়া পরে এই লম্ব রেখাটি উপরে বর্জিত হইয়া গিয়াছে ও তাহার মাথায় মাত্রা হইয়াছে।

এইরূপ হইতে মাত্রা বিশিষ্ট দেবনাগরী এ হইয়াছে। বাঙ্গলা ‘এ’ কুশাগদের সময়ের আকারের পরিবর্তন হইতে প্রাপ্ত।

ট—অশোকের সময়ের ‘টঃ’ প্রায় অর্দ্ধ বৃত্তাকার, ডানদিকে ফাঁক। কুশাগদের সময়ে উপরের অংশটি সরল রেখা হইয়া ত্রিযাক্ ভাবে স্থিত ও মাথায় মাত্রা। গুপ্তদের সময়ে কোন পরিবর্তন নাই। সপ্তম শতকে মাত্রার নীচে একটি অতি ক্ষুদ্র লম্ব রেখা, তাহার নিম্ন প্রান্তে এক অর্দ্ধবৃত্ত ডানদিকে ফাঁক। ইহাই দেবনাগরী ‘ট’। বাঙ্গলা ‘ট’ সপ্তম শতকের ‘ট’ হইতে; মাত্রার নীচে একটি লম্ব রেখা, তাহা নিম্ন প্রান্তে গোল হইয়া ডান দিকে গিয়াছে, মাত্রার ডান প্রান্তে ঐ সময়ে নিম্ন দিকে খোলা একটি অতি ক্ষুদ্র রেখা; তাহা পরে উপরে উঠিয়া নিমানের মত হইয়াছে।

ঠ—অশোকের সময়ে ইহা একটি বৃত্ত; পরে উহার কিঞ্চিৎ ত্রিকোণের মত ভাব হইয়াছে, তলা মোটা। পরে এই বৃত্তের মস্তক হইতে একটি ছোট লম্ব রেখা উঠিয়াছে ও তাহার মাথায় মাত্রা। ইহাই দেবনাগরী ‘ঠ’। বাঙ্গলা ‘ঠ’ একটি লম্ব রেখার নিম্ন হইতে কিছু গোল হইয়া আর একটি রেখা ডান দিকে উঠিয়া ঘুরিয়া গিয়া লম্ব রেখার মাথা ছুঁইয়া আরও উপরে চলিয়া গিয়াছে। প্রথম লম্ব রেখাটি সময়ে সময়ে ডানদিকে পীঠ করিয়া গোলভাব ধারণ করে।

ড—অশোকের সময়ে ইহার আকার—একটি সমতল রেখার দুই প্রান্তে দুইটি লম্ব রেখা—ডান দিকেরটি উপরে উঠিয়াছে ও বাঁ দিকেরটি নীচে নামিয়াছে। ঐ সময়ের কিছু পরে নীচের লম্ব রেখাটি ডান দিক্ ঘেসিয়া নীচের দিকে ত্রিযাক্ ভাবে নামিয়াছে। কুশাগদের সময়ে মাত্রার নীচে ছোট একটি লম্ব রেখা, তাহার প্রান্ত হইতে একটি অর্দ্ধবৃত্ত নীচের দিকে চলিয়া গিয়াছে, ইহার ফাঁক ডান দিকে। গুপ্তদের সময়ে কোন পরিবর্তন নাই। সপ্তম শতকের পরে অর্দ্ধবৃত্তের নীচের প্রান্ত ঘুরিয়া বাঁ দিকে গিয়াছে। পরবর্ত্তী সময়ে ইহা দেবনাগরী ও বাঙ্গলা ‘ড’য়ের আকার ধারণ করিয়াছে।

ণ—অশোকের সময়ে ইহা একটি লম্ব রেখা এবং ইহার উপরে ও নীচে এক একটি সমতল রেখা সমকোণ করিয়া টানা। কুশাগদের সময়ে লম্ব রেখার উপরের প্রান্ত হইতে ডান দিকে ও বাঁ দিকে দুইটি বৃত্তখণ্ডাকার

রেশা উঠিয়া গিয়াছে। ঐ সময়েই কিছু পরে ইহার আকার—একটি সমতল রেখার দুইটি প্রান্ত হইতে দুইটি লম্ব রেখা উপরে উঠিয়াছে, বাঁ দিকেরটির উপরের প্রান্ত বক্র হইয়া বাঁ দিকে গিয়াছে, ডান দিকেরটির উপরের প্রান্ত বক্র হইয়া ডান দিকে গিয়াছে। গুপ্তদের সময়ে এই দুইটি প্রান্ত ঘুরিয়া নীচের দিকে নামিয়াছে। সপ্তম শতকের পরে লম্ব রেখা দুইটি ত্রিযাক্ষ অক্ষ ধারণ করিয়া নীচে মিলিয়াছে, সমতল রেখাটি লোপ পাইয়াছে, বাঁ দিকের রেখাটির উপর প্রান্ত বাঁ দিকে ঘুরিয়া গিয়া ধনুকের স্থায় আকার ধারণ করিয়া নীচে নামিয়া গিয়াছে। ডান দিকের রেখাটির উপর প্রান্ত হইতে একটি সমতল রেখা ডান দিকে চলিয়া গিয়াছে ও তাহার ডান প্রান্ত হইতে একটি লম্ব নীচের দিকে গিয়াছে। ইহা হইতেই দেবনাগরী ‘ণ’য়ের উৎপত্তি। দেবনাগরী ‘ণ’য়ের আর একটি রূপ আছে। টানা লেখায় বাঁ দিকের দুইটি রেখা মিলিত হইয়াছে অর্থাৎ মাত্রা হইতে দুইটি ছোট লম্ব রেখা ঝুলিতেছে, তাহাদের নীচের প্রান্ত দুইটি একটি গোল রেখা দ্বারা মিলিত। ডান দিকের লম্ব রেখাটি মাত্রার নীচে পৃথক্ ভাবে আছে। বাঙ্গলায় বাঁ দিকের অংশটি বৃত্তাকার হইয়া, একটি গোলাকার রেখা দ্বারা ডান দিকের লম্ব রেখার মধ্য ভাগে মিলিত হইয়াছে।

ত—অশোকের সময়ে ইহা প্রথমে একটি ইংরাজী ছোট এইচের স্থায়, পরে একটি লম্ব রেখার মধ্য হইতে ডান দিকে একটি ত্রিযাক্ষ রেখা নামিয়া আসিয়াছে, আরও পরে দুইটি ত্রিযাক্ষ রেখা উপরে পরস্পর মিলিত হইয়াছে, এবং যে কোণটি উৎপন্ন হইয়াছে তাহা হইতে একটি লম্ব রেখা উঠিয়াছে, আরও পরে নীচের ত্রিযাক্ষ রেখা দুইটি কিছু গোল ভাব ধারণ করিয়াছে, কুষাণদের সময়ে নীচস্থ ডান দিকের গোল ভাবাপন্ন ত্রিযাক্ষ রেখাটি লম্ব ভাবাপন্ন হইয়া উপরের লম্ব রেখার সহিত মিলিত হইয়াছে। গুপ্তদের সময়ে ও তাহার পরবর্ত্তী সময়েও তাহাই, কেবল একটি মাত্রা হইয়াছে। ইহাই দেবনাগরী ‘ত’। খৃষ্টের পূর্বেই নীচস্থ বাঁ দিকের গোলভাবাপন্ন ত্রিযাক্ষ রেখাটি অভ্যন্ত ছোট হইয়া প্রায় লুপ্ত হইয়াছে। গুপ্তদের সময়ে ও তাহার পরে ডানদিকের গোল ভাবাপন্ন ত্রিযাক্ষ রেখাটি বেশ গোল হইয়া বাঁদিকে চলিয়া গিয়াছে। পরে উপরের লম্ব রেখার সহিত ইহার সন্ধিস্থলে একটি

পুঁটুলী হইয়াছে। ক্রমশঃ মাত্রার নীচের লম্ব রেখাটি ছোট হইতে হইতে প্রায় লোপ প্রাপ্ত হইয়াছে।

খ—অশোকের সময়ে ইহা একটী বৃত্ত এবং তাহার কেন্দ্রে একটী বিন্দু। এবং ঐ সময়েই কিছু পরে কেন্দ্রস্থ বিন্দু হইতে একটী সমতল রেখা বাঁদিকে পরিধি পর্য্যন্ত গিয়াছে। গুপ্তদের সময়ে বৃত্তটী উপরনীচে কিছু লম্বা হইয়াছে ও কেন্দ্রস্থ রেখাটি ডানদিকের পরিধিতেও ঠেকিয়াছে—ঠিক একটী গ্রীক খীটা হইয়াছে। পরে বাঁদিকের বৃত্তাক্ষের মধ্যভাগ মধ্যস্থ সমতল রেখার সংযোগস্থানে ভিতর দিকে ঢুকিয়া গিয়াছে। ইহার অবয়বটী দুই ভাগে বিভক্ত ধরা যাইতে পারে। পরে বাজলাতে নীচের অংশটী ত্রিকোণ হইয়াছে ও ইহার ডান দিকের লম্ব রেখাটি মাত্রা পর্য্যন্ত উঠিয়াছে এবং উপরের অংশ ছোট হইয়া নীচের অংশের সহিত যেখানে সংযুক্ত ছিল সেখানকার সংযোগও বাঁদিকে খুলিয়া গিয়াছে এবং মুখে পুঁটুলী হইয়াছে। নাগরীতে নীচের অংশটী বড় ও উপরের অংশটী ছোট হইয়াছে, নীচের অংশটী ডানদিকে বাড়িয়া গিয়া মাত্রা পর্য্যন্ত উঠিয়াছে এবং পাশে একটী লম্ব রেখা হইয়াছে।

দ—অশোকের সময়ে ইহা একটী বাঁদিকে খোলা অর্দ্ধবৃত্ত, তাহার উপরের প্রান্ত হইতে উপর দিকে একটী ও নীচের প্রান্ত হইতে নীচের দিকে এক একটী লম্ব রেখা গিয়াছে। পরে ইহা বাঁদিক হইতে ডান দিকে উল্টাইয়া গিয়াছে। কুষাণদের সময়ে একটী মাত্রা হইয়াছে ও নীচের লম্ব রেখাটি লোপ পাইয়াছে। পরবর্ত্তী সময়ে নীচের লম্ব রেখার স্থানে একটী তির্যক রেখা ডান দিকে নীচে নামিয়া গিয়াছে। ইহা হইতেই দেবনাগরী ‘দ’য়ের উৎপত্তি। বাজলা ‘দ’ সপ্তম শতকের ‘দ’ হইতে উৎপন্ন, গোল রেখার উপরের অংশ সরল হইয়া উপরের লম্ব রেখার সহিত এক হইয়া গিয়াছে। ইহার নিম্ন প্রান্তের গোল অংশটিকে একটী কোণে পরিণত করিয়া একটী তির্যক রেখা ডান দিকে উপরে উঠিয়াছে এবং ইহারই উপরের প্রান্ত হইতে একটী লম্ব রেখা নীচে নামিয়াছে।

ধ—অশোকের সময়ে ইহা ধনুরাকার, জ্যা বাঁদিকে, পরে ঐ বৃত্তখণ্ড উল্টাইয়া বাঁদিকে আসিয়াছে এবং কখনও কখনও গোল অংশের মধ্যভাগে কোণ হইয়া পড়িয়াছে। গুপ্তদের সময়ের পরে লম্ব রেখাটি অর্দ্ধবৃত্তের প্রান্ত দুইটী ছাড়িয়া উপরে উঠিয়াছে ও নীচে নামিয়াছে। পরে উপরের

কোণ হইতে একটী ছোট বাঁদিকে পীঠবিশিষ্ট গোল রেখা বাঁ দিকে উঠিয়াছে। পরে ইহার মাথায় ও লম্ব রেখার মাথায় দুইটী ছোট ছোট মাত্রা হইয়া নাগরী ‘খ’ হইয়াছে। বাঙ্গলাতে গোল রেখার মাথায় মাত্রার পরিবর্তে উহার প্রান্তে অঁকড়ি এবং অঙ্ক বৃত্তটী ত্রিকোণাকার হইয়াছে।

ন—অশোকের সময়ে ইহা একটী সমতল রেখা ও ইহার উপর দণ্ডায়মান আর একটী রেখা। দণ্ডায়মান রেখাটী কখনও কখনও ডান দিকে হেলান। কুষাণদের সময়ে নীচের সমতল রেখাটী বৃত্তখণ্ডের হ্রায়, পীঠ উপরের দিকে, বাঁ দিকের অংশটী ছোট ও ডান দিকের অংশটী বেশ বড়। কখনও কখনও বাঁ দিকের ছোট অংশটী পুঁটুলি হইয়া গিয়াছে। গুপ্তদের সময়েও তাহাই এবং দেবনাগরী আকারের সূত্রপাত হইয়াছে। খৃষ্টীয় সপ্তম শতকে দেবনাগরী ‘ন’ বেশ পরিপুষ্ট হইয়াছে। বাঙ্গলা ‘ন’ ইহা হইতেই উৎপন্ন।

প—অশোকের সময়ে ইহা একটী লম্ব রেখা নীচে অঙ্ক বৃত্তাকার ধারণ করিয়া কিছুদূর উপরে উঠিয়াছে—যেন পার্শ্বী লামের ঠিক উল্টা। পরে এই অঙ্কবৃত্ত কিছু পরিমাণে চৌকাভাব ধারণ করিয়াছে। কুষাণদের সময়ে বাঁ ও ডান দিকের লম্ব রেখা দুইটী একটু ভিতর দিকে ঠেলিয়া গিয়াছে ও উহাদের মাথায় একটী করিয়া ছোট মাত্রা হইয়াছে। গুপ্তদের সময়ে ডান দিকের লম্ব রেখাটী উপরে ছোট হইয়া নীচে নামিয়া গিয়াছে। সপ্তম শতকে ইহা আরও নামিয়াছে, এবং উভয় লম্ব রেখার মাথা সমান উচ্চ ও ছোট ছোট মাত্রা বিশিষ্ট; ইহা হইতেই দেবনাগরী ‘প’। ইহাতে মাত্রা দুইটী মিলিয়া গিয়াছে। বাঙ্গলা পয়ের সূত্রপাত কুষাণদের সময় হইতে। বাঁ দিকের লম্ব রেখাটির মধ্যদেশ ভিতর দিকে ঢুকিয়া গিয়াছে। ইহার দুই প্রান্ত হইতে দুইটী তির্যক্ রেখা ডান দিকে বাইয়া মিশিয়াছে, অর্থাৎ মাত্রাটী ইহার অবয়ব পঠনের কার্যে লাগিয়াছে। সংযোগস্থল হইতে একটী লম্ব রেখা উপরে উঠিয়াছে ও নীচে নামিয়াছে। এই লম্ব রেখার মস্তকের দক্ষিণ পার্শ্বে যে একটী অতি ক্ষুদ্র রেখা দেখিতে পাওয়া যায় তাহা হইতেই জানিতে পারা যায় যে ইহার মাত্রা লোপ পাইয়াছে। পরে উপরের তির্যক্ রেখাটী গোল হইয়া গিয়াছে।

ফ—অশোকের সময়ের ফ প্রায় ‘প’য়ের হ্রায়, কেবল বৃত্তাংশের ডান দিকের প্রান্তটী ঘুরিয়া কিছু দূর ভিতর দিকে গিয়াছে। পরে বৃত্তাংশটির

নীচের দিক্ চৌকা হইয়া গিয়াছে। গুপ্তদের সময়ে ডান দিকের লম্ব রেখাটির প্রান্ত ভিতর দিকে ঘুরিয়া না গিয়া বাহির দিকে ঘুরিয়া গিয়াছে এবং বাঁ দিকের লম্ব রেখার মাথায় একটি ছোট মাত্রা হইয়াছে। সপ্তম শতকেই বাঙ্গলা ‘ফ’য়ের আকার দেখিতে পাওয়া যায়। নাগরী ‘ফ’ গুপ্তদের ‘ফ’ হইতে প্রাপ্ত। চৌকাটির ডান দিকের লম্ব রেখা নীচে নামিয়া গিয়াছে; যে রেখাটি ঘুরিয়া বাহিরের দিকে চলিয়া গিয়াছে, তাহা নীচে আরও নামিয়া গিয়াছে। চৌকার মাথায় একটি টানা মাত্রা হইয়াছে এবং চৌকাটির তলা গোল হইয়াছে।

ব—অশোকের সময়ে ইহা একটি চতুর্কোণ, পরে কোণগুলি গোল হইয়া গিয়াছে। গুপ্তদের সময়ে মাথা সরু, তলা গোল। সপ্তম শতকে ইহার দক্ষিণ পার্শ্বে একটি লম্ব রেখা সংলগ্ন। পরে বাঁ দিকের অংশটি দেবনাগরীতে গোল ও বাঙ্গলায় ত্রিকোণ হইয়াছে।

‘ভ’—অশোকের সময়ে ইহার আকার—দুইটি ছোট ছোট দাঁড়ান রেখার মাথায় একটি সমতল রেখা, তাহা ডান দিকের দাঁড়ান রেখা ছাড়াইয়া গিয়াছে, তাহার ডান দিকের প্রান্ত হইতে উপর দিকে একটি দাঁড়ান রেখা উঠিয়াছে, পরে ডান দিকের দুইটি দাঁড়ান রেখা এক হইয়া গিয়াছে এবং বাঁ দিকের দাঁড়ান রেখার ও তাহার মাথার সমতল রেখার মধ্যে যে কোণ আছে তাহা গোল হইয়া গিয়াছে। কুষাণদের সময়ে সমতল রেখাটির মধ্যভাগ বসিয়া গিয়াছে। গুপ্তদের সময়ে সমতল রেখাটি তির্যক্ ভাব ধারণ করিয়া লম্ব রেখায় ঠেকিয়াছে ও ইহার বাম প্রান্তে একটি ছোট তির্যক্ রেখা ইহার সহিত সমকোণ করিয়া অবস্থিত, লম্ব রেখার মাথায় একটি ছোট মাত্রা। পরবর্তী সময়ে মৌলিক সমতল রেখাটি আবার সমতল হইয়া লম্ব রেখার মধ্য ভাগে ঠেকিয়াছে এবং ইহার বাম প্রান্তের ছোট তির্যক্ রেখাটি লম্ব রেখা হইয়া উপরে উঠিয়াছে ও তাহারও মাথায় একটি ছোট মাত্রা আছে। ইহাই দেবনাগরী ‘ভ’,—ইহাতে মাত্রা দুইটির মধ্যে ব্যবধান আছে। বাঙ্গলা ‘ভ’ সপ্তম শতকের ‘ভ’ হইতে। সপ্তম শতকের ‘ভ’এর আকার একটি ছোট ত্রিকোণ, তাহার ডান দিকের লম্ব রেখা ত্রিকোণ ছাড়াইয়া উঠিয়াছে ও তাহার মাথায় মাত্রা হইয়াছে। লম্ব রেখার মাঝখান হইতে একটি অক্ষড়ির মত রেখা নীচে ঝুলিয়া গিয়াছে। পরে এই ঝুলান রেখা বাঁ দিকে গোল

হইয়া ঘুমিয়া উপরে উঠিয়াছে। পরে আঁকাড়ি ও লম্ব রেখার সম্মুখস্থ উপরের মধ্যে একটী ফাঁক হইয়াছে। পরে উপরের লম্ব রেখার উপরের অংশটী বাঁ দিকে গোল হইয়া গিয়াছে। ইহা হইতেই বাঙ্গলা ‘ভ’।

ম—অশোকের সময়ে ইহা একটী বৃত্ত ও তাহার মাথায় একটী অর্ধবৃত্ত উপরে ফাঁক। কুষাণদের সময়েও তাহাই। গুপ্তদের সময়ে নীচের বৃত্তটী ছোট হইয়া ঘুমিয়া বাঁদিকে গিয়াছে ও উপরের অর্ধবৃত্তটী ডান দিকে নামিয়া চৌকো ভাষ ধারণ করিয়াছে, পরে ছোট বৃত্তটী চৌকির তলায় বাঁদিকে একটী ছোট রেখা বা পুঁটুলিতে পরিণত হইয়াছে। সপ্তম শতকে চৌকির ডান দিকের রেখাটী নাচে নামিয়া গিয়াছে। দুইটী লম্ব রেখার মাথাতেই মাত্রা। পরে মাত্রা দুইটী মিলিয়া গিয়াছে। ইহা হইতেই দেবনাগরী ও বাঙ্গলা ‘ম’।

য—অশোকের সময়ে ইহা একটী লম্ব রেখা ও তাহার নীচে একটী উপরে-ফাঁক বৃত্ত খণ্ড; পরে ইহার আকার একটী নোঙ্গরের স্থায়, পরে দুইটী জোড়া দেওয়া ইংরাজী ইউয়ের স্থায়। কুষাণদের সময়ে একটী ইংরাজী ‘V’র তলা হইতে গোল হইয়া একটী রেখা উপরে উঠিয়াছে। গুপ্তদের সময়ে একটী লম্ব রেখা নীচে বাঁকিয়া বাঁ দিকে চলিয়া গিয়া, গোল হইয়া ফিরিয়া ডান দিকে অনেক দূর আসিয়া গোল হইয়া লম্ব ভাবে উপরে উঠিয়াছে, দুইটী লম্ব রেখার মাথায় দুইটী ছোট ছোট মাত্রা। সপ্তম শতকে ডান দিকের লম্ব রেখাটী কিছু দূর নীচে নামিয়া গিয়াছে। ইহা হইতেই দেবনাগরী ও বাঙ্গলা ‘য’।

র—অশোকের সময়ে ইহা একটী দণ্ডায়মান সরল বা আঁকাবাঁকা রেখা। কুষাণদের সময়ে ইহা একটী ইংরাজী বড় ‘জের আকারের। গুপ্তদের সময়ে একটী দাঁড়ান রেখার নিম্ন প্রান্ত হইতে ডান দিকে একটী তির্যক রেখা নামিয়া গিয়াছে ও মাথায় মাত্রা বসিয়াছে। সপ্তম শতকে দেবনাগরী ‘র’য়ের সূত্রপাত। পরে লম্ব রেখা ও তির্যক রেখার সন্ধিস্থলে একটী পুঁটুলী হইয়াছে, পুঁটুলীটী ক্রমে মধ্য-ফাঁক ত্রিকোণে পরিণত হইয়াছে, ইহার ডান দিকে লম্ব রেখা আছে, ও নীচের তির্যক রেখা লোপ পাইয়াছে। ইহাই বাঙ্গলা আকার, ‘ব’য়ের সহিত পৃথক করিবার জন্য তলায় একটী বিলুপ্ত রেখা হইয়াছে। পুরাতন বাঙ্গলায় বয়ের পেট কাটিয়া ‘ব’ হইত।

ল—অশোকের সময়ে ইহা একটা লম্ব রেখা, নীচের প্রান্তটী বাঁদিকে বাঁকিয়া গোল হইয়া কিছু দূর উপরে উঠিয়াছে এবং শেষে একটা অতি ক্ষুদ্র সমতল রেখা হইয়া বাঁদিকে গিয়াছে। পরে নীচের গোল অংশটী চোঁকা হইয়াছে। কুষাণদের সময়ে এই চোঁকা অংশের নীচের সমস্ত রেখাটী গোল হইয়া উপর দিকে ঠেলিয়া উঠিয়াছে এবং বাঁদিকের লম্ব রেখার প্রান্তের ছোট সমতল রেখাটী গোল হইয়া নীচে চলিয়া গিয়াছে। গুপ্তদের সময়ে এই গোল রেখাটী বড় হইয়া নীচে অনেক দূর গিয়াছে। খৃষ্টীয় সপ্তম শতকেও তাহাই। পরবর্তী সময়ে ইহা হইতে দেবনাগরী ও বাঙ্গলা আকার হইয়াছে।

ব—অশোকের সময়ে ইহা একটা বৃত্ত ও তাহার উপরে একটা লম্ব রেখা। ক্রমশঃ বৃত্তটী ত্রিকোণ হইয়াছে ও লম্ব রেখার মাথায় মাত্রা হইয়াছে। কুষাণদের সময়েও তাহাই। গুপ্তদের সময়ে বাঙ্গলা বয়ের সূত্রপাত। ত্রিকোণের ডান দিকের রেখাটী লম্ব রেখা। সপ্তম শতকেও তাহাই। পরবর্তী সময়ে ত্রিকোণের বাম অংশ গোল হইয়া লম্ব রেখায় সংলগ্ন হইয়াছে। ইহাই দেবনাগরী ‘ব’।

শ—অশোকের সময়ে ইহা দুইটী তির্যাক রেখার মিলনে একটা কোণ, ফাঁক নীচের দিকে এবং বাঁ দিকের তির্যাক রেখার মধ্য হইতে ডান দিকে একটা ছোট তির্যাক রেখা ডান দিকের তির্যাক রেখার সমান্তরালে নীচে নামিয়াছে। কুষাণদের সময়ে কোণ দুইটী গোল হইয়া গিয়াছে, অর্থাৎ একটি অর্দ্ধবৃত্তের মাথা হইতে ডান দিকে একটা রেখা গোল হইয়া নীচে নামিয়াছে। গুপ্তদের সময়ে ইহা প্রায় একটা ইংরাজী বড় ‘এ’র মত। সপ্তম শতকে বাঁ দিকের অংশটী ছোট হইয়া প্রান্তটী কিছু উপরে উঠিয়াছে এবং সেখানে একটা পুঁটুলি হইয়াছে। এই আকার হইতে বাঙ্গলা ‘শ’য়ের সূত্রপাত। সপ্তম শতকের আকারের পুঁটুলা হইতে পরবর্তী সময়ে একটা তির্যাক রেখা ডান দিকে নীচে নামিয়াছে, উপরের লম্ব রেখার মাথাটী বাঁকিয়া গোল হইয়া ডান দিকে মুড়িয়া গিয়াছে এবং ইহা হইতে পরবর্তী সময়ে দেবনাগরী ‘শ’ হইয়াছে।

ষ—অশোকের সময়ে ইহার আকার—একটা লম্ব রেখার নিম্নভাগ বাঁকিয়া গিয়া কিছু দূর পরে লম্বভাবে উপরে উঠিয়াছে। লম্ব রেখার মধ্য হইতে একটা ছোট সমতল বা গোল রেখা ডান দিকে গিয়াছে। কুষাণদের সময়ে

দুই দিকের দুইটি লম্ব রেখা প্রায় সমান। উভয়ের মাথাতেই একটি করিয়া ছোট মাত্রা ও ইহার পেট চেরা। গুপ্তদের সময়েও তাহাই। পরবর্ত্তী সময়ে বাঙ্গলা ও নাগরী আকার হইয়াছে।

স—অশোকের সময়ে ইহার আকার—একটি লম্ব রেখা নীচে ডান দিকে ঘুরিয়া গোল হইয়াছে, বাঁ দিকের প্রায় নীচে হইতে একটি বৃত্তখণ্ডাকার বা সরল রেখা ত্রিঘ্যক্ ভাবে নীচে নামিয়াছে। পরে অর্দ্ধবৃত্তাকার রেখার নীচে বাঁ দিক হইতে একটি বৃত্তখণ্ডাকার রেখা নীচে নামিয়াছে, ইহার ফাঁক ডান দিকে। কুষাণদের সময়ে অর্দ্ধবৃত্তের বাম অংশ ও নীচের বৃত্ত খণ্ডাকার রেখা মিশিয়া গিয়া যেন একটি বাঙ্গলা ‘দুই’য়ের আকারের হ্যায় হইয়াছে। ডান দিকে তাহার পেট হইতে একটি ত্রিঘ্যক্ রেখা নীচে নামিয়াছে ও তাহার প্রান্ত হইতে একটি লম্ব রেখা উপরে উঠিয়াছে। ইহা হইতেই দেবনাগরী ‘স’য়ের সূত্রপাত। নীচের ত্রিঘ্যক্ রেখাটি লোপ পাইয়া বাঙ্গলা স উৎপন্ন হইয়াছে।

হ—অশোকের সময়ে ইহার আকার ঐ সময়ের ‘প’য়ের আকারের হ্যায়, কেবল ডান দিকের ছোট লম্ব রেখার প্রান্ত হইতে একটি খুব ছোট সমতল রেখা ডান দিকে গিয়াছে। কুষাণদের সময়ে নীচের গোল অংশটি চোঁকা ভাব ধারণ করিয়াছে এবং ডান দিকের ছোট লম্ব রেখাটির স্থানে একটি ক্ষুদ্র অর্দ্ধবৃত্ত উৎপন্ন হইয়াছে। গুপ্তদের সময়ে বাঁদিকের লম্ব রেখাটি কিছু দূর নামিয়া, বাঁদিকে অল্প ছুর গিয়া গোল হইয়া ডান দিকে নীচে চলিয়া গিয়া মুখে অর্দ্ধবৃত্ত ধারণ করিয়াছে। ইহা হইতেই দেবনাগরী ‘হ’ উৎপন্ন। বাঙ্গলা ‘হ’ দেবনাগরী ‘হ’ হইতে উৎপন্ন।

ঙ—এই বর্ণটি অশোকের সময় হইতেই দেখিতে পাওয়া যায়। ঐ সময়ে ইহার আকার ঐ সময়ের পরের আকারের হ্যায়, কেবল মাথার ডান দিকে একটি সমতল রেখা, ও বাঁদিকের লম্ব রেখার মাঝখান হইতে একটি ছোট সমতল রেখা আছে। কুষাণদের সময়ে ইহার আকার কতকটা দেবনাগরী ‘দ’য়ের আকারের হ্যায়, নীচের প্রান্তে একটি ছোট অর্দ্ধবৃত্ত, ডান দিকে ফাঁক। পরবর্ত্তী সময়ে ইহার আকারে দুইটি পরস্পর সংলগ্ন বৃত্ত, ডান দিকের বৃত্তটির উপরের মধ্যস্থল হইতে একটি ছোট লম্ব রেখা উপরে উঠিয়াছে এবং উহার মাথায় মাত্রা হইয়াছে।

১০ক চিত্রে খারোষ্ঠী বর্ণমালার প্রদর্শিত হইয়াছে। এই লিপি দক্ষিণ-
হইতে বামে লিখিত হইত।

১১শ চিত্রে কানেড়ী ও গ্রন্থ বর্ণমালার উৎপত্তি প্রদর্শিত হইয়াছে।

১২শ চিত্রে ফিনিকীয়, মোয়াবীয় ও ব্রাহ্মী বর্ণমালার আকার প্রদর্শিত
হইয়াছে।

তৃতীয় পরিচ্ছেদ

ব্রাহ্মী লিপির উৎপত্তি ও প্রাচীনতা ।

খৃষ্ট পূর্ব চতুর্থ শতক হইতে খৃষ্টের পরবর্তী তৃতীয় শতক পর্য্যন্ত সময়ের যত শিলা লিপি ও মুদ্রা পাওয়া গিয়াছে তাহা হইতে জানা যায় যে ঐ সময়ে ভারতবর্ষে দুই প্রকারের লিপি প্রচলিত ছিল । তন্মধ্যে একটীর নাম ব্রাহ্মী ও অপরটীর নাম খরোষ্ঠী । অশোকের যতগুলি শিলালিপি পাওয়া গিয়াছে তন্মধ্যে কেবল শাহবাজগড়া ও মানসেরার পর্বতগাত্রে উৎকীর্ণ দুইটি অশু-শাসন খরোষ্ঠী লিপিতে লিখিত । এই লিপি কেবল ভারতের উত্তর পশ্চিম সীমান্ত গান্ধার (রাওলপিণ্ডি, পেশাওয়ার জেলা, ও কাবুল) প্রদেশে প্রচলিত ছিল । যুরোপীয় পণ্ডিতেরা ইহাকে নানা নামে অভিহিত করিয়াছেন, যথা ব্যাকট্রিয়ান, ব্যাকট্রিয়ান পালি, উত্তরী অশোক, আরিয়ানো পালি, কাবুলিয়ান ও গান্ধার । অশোকের পরবর্তী সময়ে এই লিপির প্রচার বিদেশীয় রাজাদের মুদ্রায় দেখিতে পাওয়া যায় । কুষাণ বংশীয় রাজাদের সময়ের অনেকগুলি লিখন খরোষ্ঠী লিপিতে লিখিত পাওয়া যায় । খরোষ্ঠী লিপি পারসীর ন্যায় দক্ষিণ হইতে বামে লিখিত । ইহার বর্ণমালা আরমাইক লিপি হইতে গৃহীত । এককালে আসীৰিয়া ও ব্যাবিলোনিয়াতে আরমাইক লিপি ব্যবহৃত হইত । পারস্যের আকিমিনিয়ন্ রাজারা প্রবল পরাক্রান্ত ছিল । সম্ভবতঃ তাহাদের রাজকীয় লিপি ও ভাষা আরমাইক ছিল ।

অতি প্রাচীন কাল হইতেই ভারতবর্ষের সহিত পারস্যের ঘনিষ্ঠ সম্বন্ধ ছিল । আকিমিনিয়ন বংশের রাজা সাইরস্ (যিনি খৃঃ পূঃ ৫৫৮ হইতে ৫৩০ পর্য্যন্ত পারস্যে রাজত্ব করিয়াছিলেন) গান্ধার দেশ জয় করিয়াছিলেন । সিন্ধু পর্য্যন্ত প্রদেশ আলেকজান্ডারের বিজয় কাল পর্য্যন্ত পারস্যের অধীন ছিল । গ্রীক বিজয়ের পর পারসীকদের অধিকার ভারতবর্ষ হইতে উঠিয়া যায় । যে সময়ে ভারতবর্ষের উত্তর পশ্চিমাংশ পারসীকদের অধিকারে

ছিল, সেই সময়েই সম্ভবতঃ আরম্ভিক লিপি এই অংশে প্রবেশ লাভ করে, এবং ঐ লিপি হইতেই খরোষ্ঠী লিপির উদ্ভব হইয়াছিল।

গান্ধার প্রদেশ ব্যতীত ভারতবর্ষের সর্বত্রই ব্রাহ্মী লিপি প্রচলিত ছিল। পেশাওর হইতে মহীশূর পর্য্যন্ত এবং কাঠিয়াবাড় হইতে উড়িষ্যা পর্য্যন্ত ভূখণ্ডে অশোকের যত শিলালিপি পাওয়া গিয়াছে সব ব্রাহ্মী লিপিতে লিখিত। ইহা হইতে বুঝা যায় যে খৃষ্ট পূর্ব চতুর্থ শতকে এই লিপি ভারতের সর্বত্র সুপরিচিত ছিল। ইহা ব্রাহ্মী হইতে দক্ষিণে লিখিত হইত। ইহার নাম ব্রাহ্মী কেন হইল ইহা বলা কঠিন। সংস্কৃত কোন গ্রন্থে এই নাম পাওয়া যায় না। জৈন “পঞ্ণোবাণসূত্রে” ও “সমবায়াক্সসূত্রে” ১৮ প্রকারের লিপির নাম পাওয়া যায় তন্মধ্যে “বন্তী” নামটি প্রথম। “নমো বন্তীএ লিবিএ” লিখিয়া ভগবতীসূত্র নামক জৈনগ্রন্থ আরম্ভ হইয়াছে। গাথাভাষায় লিখিত ললিত-বিস্তর নামক বুদ্ধচরিতে ৬৪টি লিপির নাম আছে তন্মধ্যে প্রথম নাম “ব্রাহ্মী”। কেহ কেহ বলেন ইহা ব্রাহ্মী হইতে প্রাপ্ত বলিয়া ইহার নাম ব্রাহ্মী, আবার কাহারও কাহারও মতে ইহা ব্রাহ্মণদিগের লিপি বলিয়া ইহা ব্রাহ্মী সংজ্ঞা পাইয়াছে। যুরোপীয় বিদ্বানেরা ইহাকে আরও কয়েকটি নামে অভিহিত করিয়াছেন যথা “পালি” “ভারতীয় পালি” “দক্ষিণী অশোক” ও “লাট”।

প্রথম পরিচ্ছেদের শেষ ভাগে বলা হইয়াছে যে অধিকাংশ যুরোপীয় পণ্ডিতদিগের মতে সভ্যজগতের প্রায় সমস্ত লিপিই প্রাচীন সেমেটিক লিপি হইতে সমুদ্ভূত। এই শ্রেণীর পণ্ডিতেরা বলেন যে, ভারতবাসীরা প্রাচীন কালে লিখিতে জানিত না। তাহারা ফিনীসীয়দিগের নিকট লিপি-বিদ্যা শিক্ষা করে। ভিন্সেন্ট স্মিথ বলেন যে খৃঃ পূঃ সপ্তম শতকে যে সকল ফিনীসীয় বণিক ভারতের পশ্চিম উপকূলে বাণিজ্যার্থ গমনাগমন করিত তাহাদেরই সংস্রবে ভারতে লিখনকলার আরম্ভ হয়।

যুরোপীয় কতকগুলি পণ্ডিতের মতে গ্রীক বর্ণমালা হইতে ব্রাহ্মী বর্ণমালার উৎপত্তি হইয়াছে। কাহারও কাহারও মতে ইহা মিসরীয় হিউরেটিক লিপি হইতে, কাহারও কাহারও মতে ইহা আসারীয় বাণমুখ বা কীলক লিপি হইতে, কাহারও কাহারও মতে ইহা ফিনীসীয় এবং কাহারও কাহারও মতে ইহা আরম্ভিক বা খরোষ্ঠী হইতে উদ্ভূত হইয়াছে। আবার কেহ কেহ বলেন যে ইহা

উপরি উক্ত, দুই বা ততোধিক বর্ণমালা হইতে কতক কতক গৃহীত হইয়া গঠিত হইয়াছে। যে সকল যুরোপীয় সিদ্ধান্তেরা বলেন যে ব্রাহ্মী লিপির উৎপত্তি বিদেশী লিপি হইতে, তাহাদের নাম—ডাঃ মুলার, প্রিন্সেপ্, সেনার্ট্, উইলসন্, স্কট্, সার্ উইলিয়ম জোন্স, কপ্, লেপ্‌সিয়স্, ওয়েবর, বেন্‌ফী, পট্, ওয়েম্‌টার গার্ড্, ম্যাক্সমুলার, ফ্রেড্‌রিক মুলার, সেইস্, হুইট্‌নী, ষ্টীভেন্স, পল গোল্ড্‌স্মিথ, বর্ণেল, লেনোমার্ট্, ডেক্, এডোয়ার্ড ব্লড্, বুলর, ম্যাকডনেল, রোজ্ ডেভিজ্, ডাঃ বার্ণেট্ ইত্যাদি।

বুলার ভারতবর্ষের “ব্রাহ্মী লিপির উৎপত্তি” নামক পুস্তিকায় ওয়েবরের মতের সমর্থন করিয়া প্রামাণ্য করিবার চেষ্টা করিয়াছেন যে ব্রাহ্মী লিপির ২২টি বর্ণ উত্তরী সেমেটিক লিপি সমূহ হইতে এবং অবশিষ্ট বর্ণগুলি প্রথমোক্ত বর্ণগুলির আদর্শে নিৰ্ম্মিত হইয়াছে। সেমেটিক বর্ণগুলি কিরূপ পরিবর্তিত হইয়া ব্রাহ্মী লিপির বর্ণমালার আকার ধারণ করিয়াছে তাহা দেখাইবার জন্য তিনি বহু শ্রম করিয়াছেন, কিন্তু দুঃখের বিষয় আমাদের মতে তিনি কৃতকার্য হন নাই। আকারের কিছু পরিবর্তন করিয়া পৃথিবীস্থ বাবতীয় বর্ণমালা কোন একটা বর্ণমালা হইতে গৃহীত হইয়াছে দেখান অত্যন্ত সহজ ব্যাপার। একটা মাত্র উদাহরণ দিয়া তাহা প্রতিপন্ন করিব। যেমন ইংরাজী ‘A’ হইতে ব্রাহ্মী ‘অ’ হইয়াছে অনায়াসে দেখান যাইতে পারে।

A H H H H

বাহুল্য ভয়ে অধিক উদাহরণ দিলাম না।

এখন জিজ্ঞাস্য এই যে, এতগুলি বড় বড় বিদ্বান্ এ বিষয়ে এত পরিশ্রম করিয়াছেন কেন? ব্রাহ্মী লিপি সেমেটিক্ লিপি হইতে উদ্ভূত ইহা প্রমাণ করিবার জন্য তাঁহারা বদ্ধপরিকর হইয়াছেন কেন? যদি ব্রাহ্মী লিপির সহিত সেমেটিক্ লিপির কোন সাদৃশ্য পাওয়া যাইত তাহা হইলে সকলেই তাহা স্বীকার করিয়া লইতেন। এত প্রমাণের চেষ্টা ও অনুমানের কোন প্রয়োজনই হইত না। কেহই নিজমতের অনুকূলে যথেষ্ট প্রমাণ পান নাই বলিয়াই এত যুক্তি তর্কের অবতারণা করিতে হইয়াছে। অসাধ্য সাধন করিতে গিয়া তাঁহারা পশুশ্রম করিয়াছেন।

দুইটা লিপি এক মূল হইতে নির্গত হইয়াছে ইহা সিদ্ধ করিতে হইলে

দেখিতে হইবে যে উভয়ের সমোচ্চারণ ধ্বনিগুলির প্রকাশক বর্ণগুলির আকার অনেক পরিমাণে সদৃশ। দুই একটি বর্ণের সাদৃশ্যের উপর নির্ভর করা যাইতে পারে না। কারণ সকল বর্ণই ঋজু, তীর্যক্, দণ্ডায়মান, সমতল, ধনুরাকার ও বৃত্তাকার রেখার সমষ্টি ভিন্ন আর কিছুই নয়। গ্রীক খীটার সহিত, ব্রাহ্মী খয়ের সাদৃশ্য আছে বলিয়া, আরবী লামের সহিত ব্রাহ্মীর লয়ের সাদৃশ্য আছে বলিয়া, ফিনীসীয় গিমেলের সহিত ব্রাহ্মীর গয়ের সাদৃশ্য আছে, বলিয়া ব্রাহ্মীকে গ্রীক, আরবী বা ফিনীসীয় হইতে উৎপন্ন বলা যুক্তি যুক্ত হইবে না।

খরোষ্ঠী লিপি ও ব্রাহ্মী লিপি উভয়ই একটি আদিলিপি হইতে উৎপন্ন হইয়াছে বলিয়া যে সকল যুক্তি দেওয়া হইয়াছে তাহা কিছুতেই গ্রহণ করা যাইতে পারে না। খরোষ্ঠীর অক্ষরগুলি উন্টাইয়া বাঁদিক্ হইতে ডান দিকে লিখিলে ব্রাহ্মীর সহিত কিছু মাত্র সাদৃশ্য লক্ষিত হয় না। যদি ইহা ধরিয়া লওয়া যায় যে ব্রাহ্মী ও খরোষ্ঠী উভয় লিপির যুক্তপূর্ব্ব দশম শতাব্দীতে ফিনীসীয় লিপি হইতে উৎপন্ন হইয়াছিল তাহা হইলে খৃঃ পূর্ব্ব চতুর্থ শতাব্দীতে তাহাদের কোন একটি ধ্বনির প্রকাশক বর্ণের কিছুমাত্র সাদৃশ্য নাই কেন? অশোকের সময়ের ব্রাহ্মী লিপিতে ও গুপ্ত লিপিতে ত ভুরি ভুরি সাদৃশ্য দেখিতে পাওয়া যায়।

বুলর বলেন যে ব্রাহ্মী লিপি প্রথমে দক্ষিণ হইতে বামে লিখিতে হইত, পরে অক্ষরগুলির আকার উন্টাইয়া বাম হইতে দক্ষিণে লিখিবার প্রথা অবলম্বিত হয়। যেমন গ্রীক বর্ণমালা ফিনীসীয় লিপি হইতে সংগৃহীত হইবার পর প্রথমে গ্রীক লিখনের গতি দক্ষিণ হইতে বামে ছিল, পরে ইহা বাম হইতে দক্ষিণে করিয়া লওয়া হইয়াছিল, সেইরূপ ভারতবর্ষেও হইয়াছিল। বুলর এই উক্তি সমর্থন করিবার জন্য জেনারেল কানিংহাম সংগৃহীত একটি মুদ্রার উল্লেখ করেন। এরণ রাজার এই মুদ্রার এক পৃষ্ঠে “ধম পামস রএণা” কথাটির অক্ষরগুলি বিপরীত ভাবে সজ্জিত যথা “সল পামধ এণোর”। এই ক্ষীণ সহায় অবলম্বন করিয়া বুলর বলিতেছেন যে প্রথমে ব্রাহ্মী দক্ষিণ হইতে বামে লিখিত হইত। এই মুদ্রাটী ব্যতীত ব্রাহ্মী অক্ষরে লিখিত আর কোন লিখন এ পর্য্যন্ত পাওয়া যায় নাই যাহাতে লিখনের গতি দক্ষিণ হইতে বামে। মুদ্রাগুলি ছাঁচে ঢালা হয়; ছাঁচের অক্ষরগুলি উন্টা করিয়া খুদিতে

হয়। ইহা অসম্ভব নয় যে যে ছাঁচে এই মুদ্রাটি ঢালা হইয়াছিল তাহাতে উন্টা অক্ষরগুলি ভ্রমক্রমে বাম হইতে দক্ষিণে সজ্জিত করা হইয়াছিল। অনেক মুদ্রায় এরূপ ভ্রমের দৃষ্টান্ত এখনও পাওয়া যায়। রায় বাহাদুর শ্রীযুক্ত গৌরী শঙ্কর ওঝা এরূপ কয়েকটি মুদ্রার উল্লেখ করিয়াছেন। (১) শাতবাহন বংশীয় শাতকর্ণী রাজার দুইটি মুদ্রায় “শাতকর্ণিস” কথাটি উন্টা ভাবে লেখা পাওয়া যায়। (২) পার্থিয়ন্ রাজা আদাগসীসের একটি মুদ্রায় খরোষ্ঠী লিখন বাম হইতে দক্ষিণে লিখিত। (৩) ইন্দোর রাজ্যের ১৯৪৩ সন্বতের একটি পয়সায় “এক পাব আনা ইন্দোর” এই দেবনাগরী অক্ষরগুলি উন্টা লিখিত হইয়াছে। প্রসিদ্ধ পুরাতত্ত্ববেত্তা ডাঃ হুল্জ্ বুলরের সহিত একমত হইতে পারেন নাই। ডাঃ ফ্লীট্‌ও বুলরের মতের সমর্থন করিতে পারেন নাই।

ভারতবর্ষের পুরাতত্ত্ব এখনও পর্য্যন্ত ঘোর তিমিরাকৃত। প্রাচীন ইতিহাসের সম্যক জ্ঞানের জন্য যে সকল উপকরণের প্রয়োজন তাহার অল্পমাত্রাই এ পর্য্যন্ত হস্তগত হইয়াছে। খৃষ্ট পূর্ব্বাপঞ্চম শতকের পূর্ব্বের কোন শিলালিপি এ পর্য্যন্ত পাওয়া যায় নাই। এ পর্য্যন্ত যাহা পাওয়া গিয়াছে তাহা হইতেই বেশ বুঝিতে পারা যায় যে খৃষ্টের ৫০০ শত বৎসর পূর্ব্বেও লিখন কলা ভারতবর্ষে সুবিদিত ছিল। লিপিবিচার প্রচলন যে তাহার বহুপূর্ব্ব হইয়াছিল তাহা ভারতীয় সাহিত্যাদি হইতে অস্তুতঃ গৌণভাবে প্রমাণিত করা যাইতে পারে। ব্রাহ্মীলিপি অন্য কোন দেশ হইতে আমদানী করা মাল নহে। ইহা স্বাধীন ভাবে ভারতবর্ষেই গঠিত হইয়াছিল। ইহা ব্রাহ্মণদিগের অসাধারণ বুদ্ধির পরিচায়ক।

ভারতীয় ভাষাতে যতগুলি বিভিন্ন ধ্বনি আছে তাহার প্রত্যেকটির জন্য ভারতীয় বর্ণমালায় এক একটি বর্ণ আছে। ২৫টি স্পর্শ বর্ণ, ১টি জিহ্বা মূলীয়, একটি উপাধ্বানীয়, ৪টি অন্তস্থ, ৪টি উষ্ম, অনুস্বার, বিসর্গ ও চন্দ্রবিন্দু। ১৪টি সরবর্ণ ও তাহারা যখন ব্যঞ্জনে যুক্ত হয় তখন তাহাদের (অ, ঈ, ঐ বাদে) ১১টির চিহ্ন মোট ৬৪টি রৈখিক সঙ্কেত আছে। বর্ণগুলি যে যে ধ্বনির প্রতিনিধি, পঠনের সময় ঠিক সেই সেই ধ্বনিই উচ্চারিত হয়। কোন ভ্রম বা ব্যতিক্রম হওয়ার সম্ভাবনা নাই। প্রত্যেক ধ্বনি

জ্ঞাপক এক একটা বর্ণ থাকাতে ভারতীয় ভাষায় উচ্চারণের সহিত লিখনের বিভিন্নতা হয় না। উচ্চারণে ও লিখনে একরূপ অবিকল সামঞ্জস্য অন্য কোনও ভাষায় দৃষ্ট হয় না। ব্রাহ্মী বর্ণমালাতে বর্ণগুলি বৈজ্ঞানিক প্রণালীতে পরপর সাজান হইয়াছে। স্বর ও ব্যঞ্জননের বিভিন্ন সংস্থান করা হইয়াছে। যেটা অত্যন্ত স্বাভাবিক ও অধিক ব্যবহৃত স্বর তাহা সর্বপ্রথমে স্থাপিত হইয়াছে, তৎপরে তাহার দীর্ঘ স্বরটী। এইরূপে হ্রস্ব দীর্ঘ ও অন্যান্য সম্বন্ধানুসারে স্বরবর্ণগুলি পরপর স্থাপিত হইয়াছে। ব্যঞ্জননের সহিত সংযোগের সময় স্বরের আকারের বিভিন্নতা থাকাতে পঠন ও লিখনের যে সুবিধা আছে তাহা অন্য কোনও বর্ণমালাতে নাই। ব্যঞ্জনবর্ণ গুলির সহিত অকার স্বতঃই যুক্ত থাকায় লিখনের বড় সুবিধা। ব্যঞ্জনগুলির ব্যবস্থাও অতি সুন্দর, মুখগহ্বরের যে যে স্থানে স্পর্শ হইয়া স্পর্শবর্ণগুলি উচ্চারিত হয় তাহার ক্রম অনুসারে বর্ণগুলি পরপর সজ্জিত হইয়াছে, প্রথমে কণ্ঠ, পরে তালু, পরে মুক্কা, পরে দন্ত, পরে ওষ্ঠ। প্রত্যেক বর্ণের প্রথম দুইটা বর্ণ অঘোষ, তৃতীয় ও চতুর্থটা ঘোষ ও পঞ্চমটা সানুনাসিক, প্রথম ও তৃতীয় বর্ণটী অল্পপ্রাণ এবং দ্বিতীয় ও চতুর্থ বর্ণটী মহাপ্রাণ। এইরূপ উচ্চ অঙ্গের বর্ণমালা আধ্যাদিগের সভ্যতার পরাকাষ্ঠা জ্ঞাপন করে। তথাপি ইহারাই সভ্যতায় হীনতর ফিনিসিয়নদিগের নিকট নিজ বর্ণমালার জন্য ঋণী! কিম্বাশ্চর্য্যমতঃ পরম্। ফিনিসীয় বর্ণমালায় ২২টির অধিক বর্ণ ছিল না, তন্মধ্যে ৫টি মাত্র স্বর। এই বর্ণমালা হইতে আখ্য ঋষিরা ৬৪টি বর্ণাত্মক ব্রাহ্মী বর্ণমালা নিৰ্ম্মাণ করিলেন। সেমেটিক্ বর্ণমালায় মহাপ্রাণ বর্ণ নাই এবং নিজেদের ব্যবহৃত অনেক ববনিরও প্রতিনিধি নাই। এবং এক একটা ধ্বনির ২টা ৩টা, ৪টা করিয়া প্রতিনিধি আছে, অথচ সেই বর্ণমালাই আদর্শ বর্ণমালা হইল। প্রত্যুত আদর্শ বর্ণমালার যে সকল গুণ থাকা উচিত তাহা ব্রাহ্মী বর্ণমালায় বিদ্যমান। অতএব অনুমান হয় যে আর্যেরা নিজেদের বর্ণমালার জন্য পরমুখাপেক্ষা ছিলেন না।

ব্রাহ্মীলিপি যে বিদেশ হইতে গৃহীত হয় নাই তাহা অনেক যুরোপীয় পণ্ডিত স্বীকার করিয়াছেন। এন্সাইক্লোপীডিয়া ব্রিটানিকাতে লিখিত হইয়াছে বুলরের উক্তি যদিও পাণ্ডিত্য ও কৌশল পূর্ণ তথাপি বলিতে

হইবে যে উহা হইতে স্থির সিদ্ধান্তে উপনীত হওয়া যায় না। এই লিপি কোথা হইতে উৎপন্ন হইল ইহার প্রকৃত তথ্য আবিস্কৃত হওয়ার পূর্বে ইহার প্রাচীন ইতিহাসের আরও অনেক প্রমাণের অনুসন্ধান আবশ্যক। এরূপ প্রমাণ যে পাওয়া যাইবে তাহাতে কোন সন্দেহ নাই।

এডোয়ার্ড টমাস বলেন যে ব্রাহ্মীলিপি ভারতবর্ষীয়দিগের দ্বারাই নির্মিত এবং উহার সরলতা হইতে উহার নিৰ্ম্মাণকর্তাদের বুদ্ধিমত্তার পরিচয় পাওয়া যায়।

প্রোফেসর ডসন্ বলেন যে ব্রাহ্মীলিপির বিশেষতাই বলিয়া দিতেছে যে উহা কোন বিদেশী লিপি হইতে উৎপন্ন না হইয়া স্বতন্ত্র ভাবে গঠিত হইয়াছে।

জেনারেল কানিংহাম বলেন যে “ব্রাহ্মীলিপি ভারতবাসীদের নির্মিত স্বতন্ত্র লিপি।”

প্রোফেসর লসনুও ব্রাহ্মীলিপির বিদেশীয় উৎপত্তি অস্বীকার করেন। অশোক অনুশাসনে ব্যবহৃত বর্ণমালার গঠন অতি পরিষ্কার ও সরল। এই লিপির গঠনপ্রণালী পর্য্যবেক্ষণ করিলে প্রতীয়মান হয় যে এ অবস্থায় উপনীত হইতে বহু শতক অতিবাহিত হইয়াছিল, এবং বলা যাইতে পারে যে, অতি প্রাচীন কালেও এদেশে লিখনের ব্যবহার ছিল।

ব্রাহ্মীলিপির প্রাচীনত্ব সম্বন্ধে নিম্নে যে সকল যুক্তি দেওয়া হইল তাহার অনেকগুলি শ্রীযুক্ত গৌরীশঙ্কর হীরাচন্দ ওয়া কৃত গভীর গবেষণাপূর্ণ “ভারতীয় প্রাচীন লিপিমাল্য” নামক পুস্তক হইতে ও ফ্লীট অনুবাদিত বুলরের “ভারতবর্ষীয় প্রাচীন লিপিমাল্য” নামক পুস্তক হইতে সংগৃহীত হইল। ঋগ্বেদে গায়ত্রী, উষ্বিহ্, অনুষ্টিভ্, বৃহতী, বিরাজ, ত্রিষ্টিভ্, জগতী ছন্দের নাম দেখিতে পাওয়া যায়। এতদ্ব্যতীত বাজসনেয়ী সংহিতায় শংকপদা পংক্তি ছন্দের নাম এবং বিপদা, ত্রিপদা, চতুষ্পদা, ষট্পদা ককুভ্ আদি ছন্দের উল্লেখ পাওয়া যায়। অথর্ববেদে ছন্দের সংখ্যা ১১টি বলিয়া কথিত হইয়াছে। শতপথ ব্রাহ্মণে প্রধান ছন্দের সংখ্যা ৮টি বলা হইয়াছে। তৈত্তিরীয় সংহিতায়, মৈত্রেয়ানী সংহিতায়, কাঠক সংহিতায় কয়েকটি ছন্দের নাম এবং তাহাদের পাদে অক্ষর সংখ্যা পর্য্যন্ত লেখা আছে। ইহা হইতে বুঝা যায় যে বৈদিক যুগের ঋষিদের অক্ষর বা একাচ্ (Syllable) এর জ্ঞান

ছিল। যদি তাহা না থাকিত তাহা হইলে তাঁহারা ছন্দোবদ্ধ ভাষা ব্যবহার করিতে পারিতেন না।

প্রথম পরিচ্ছেদে দেখান হইয়াছে যে কোন একটা ভাষায় কোন না কোন প্রকার লিখন প্রণালী পূর্ব হইতে ব্যবহৃত না থাকিলে ধ্বনি বিশ্লেষণের প্রয়োজনীয়তা অনুভূত হয় না। অতএব বৈদিক যুগে কোন না কোন প্রকারের লিখন অবশ্যই প্রচলিত ছিল। দেখা যায় যে অনেক নিরক্ষর ব্যক্তি অনেক গান ও ছড়া কণ্ঠস্থ বলিতে পারে। যদি তাহাদিগকে বলা যায় যে এক একটা গানের প্রত্যেক পাদে কয়টি করিয়া অক্ষর আছে বল, তাহা হইলে তাহারা কখনই বলিতে পারিবে না। বেদ কণ্ঠস্থ করা হইত বটে কিন্তু তাহা লিখন বিচার অজ্ঞতা হেতু নহে। প্রাচীন কালের আর্যদের মধ্যে যজ্ঞই মুখ্য কর্ম ছিল। যাহাতে নির্বিঘ্নে যজ্ঞ সম্পন্ন হয় তদ্বিষয়ে তাঁহাদের বিশেষ লক্ষ্য ছিল। যজ্ঞে মন্ত্রগুলির শুদ্ধ প্রয়োগ অত্যন্ত আবশ্যক বিবেচিত হইত। সে জন্ম সেকালের আর্যেরা গুরুমুখে মন্ত্রগুলির শুদ্ধ উচ্চারণ শিক্ষা করিয়া তাহা কণ্ঠস্থ করিয়া রাখিতেন। যজ্ঞে মন্ত্রের অশুদ্ধ উচ্চারণ যজ্ঞমানের নাশের হেতু বলিয়া বিবেচিত হইত। শুদ্ধতার জন্ম শুধু মন্ত্রগুলি নয়, তাহাদের পদপাঠ, দুই দুই পদযুক্ত ক্রমপাঠ, পদগুলিকে উল্টাইয়া তাহাদের ঘন, জটা আদির পাঠ স্বর সংযুক্ত করিয়া কণ্ঠস্থ করা হইত। কুমারিলের তত্ত্ববৃত্তিক হইতে জানা যায় যে, লিখিত পুস্তক হইতে বেদপাঠ নিষিদ্ধ ছিল। যাজ্ঞবল্ক্যের শিক্ষায় লিখিত পুস্তকের পাঠকে অধম পাঠক বলা হইয়াছে। পুস্তক হইতে বেদপাঠ করিলে স্বরাদির জ্ঞান হয় না। এই কারণেই এখন আমরা স্বরাদি সংযুক্ত কারয়া বেদপাঠ করিতে পারি না। বৈদিক যুগে বেদ লিখিবার ব্যবসায় বা বেদ লিখিয়া তাহা বিক্রয় করা পাপ বলিয়া গণ্য হইত। বিস্মৃতির সময় এবং ব্যাখ্যা, টীকা, ব্যাকরণ, নিরুক্ত, প্রাতিশাখ্য ইত্যাদি নিষ্প্রাণ কার্যে লিখিত বেদের প্রয়োজনীয়তা অনুভূত হইত।

বেদের পঠন পাঠনে লিখিত পুস্তকের অনাদর হইত বলিয়া অণ্ড শাস্ত্রের শিক্ষাতেও লিখিত পুস্তকের অনাদর হইতে লাগিল। এই জন্মই আমাদের দেশে “আবৃত্তিঃ সর্বশাস্ত্রাণাম্ বোধোদপি গরায়সী” একটা রীতির মধ্যে দাঁড়াইয়াছে।

এখনও দেখা যায় যে টোলের পণ্ডিতেরা শাস্ত্রগ্রন্থ হইতে অনর্গল শ্লোক আওড়াইয়া তাঁহাদের উক্তির সমর্থন করেন, এবং তাঁহাদের মতে ইহাই পাণ্ডিত্যের পরিচায়ক। স্মৃতির সহায়তার নিমিত্ত সব শাস্ত্রই এমন কি আয়ুর্বেদ ও কোষগ্রন্থও শ্লোকবদ্ধ করা হইত। হিন্দুরা অন্ধভাবে প্রাচীন নিয়মের অনুসরণ করে। ছাপার পুস্তক এখনও দেবপূজা ইত্যাদিতে ব্যবহৃত হয় না।

ছান্দোগ্য উপনিষদে ‘অক্ষর’ শব্দটি পাওয়া যায়, এবং ‘ঈ’, ‘উ’, ও ‘এ’ বর্ণকে ঈকার, উকার ও একার শব্দের দ্বারা সূচিত করা হইয়াছে দেখা যায়। তৈত্তিরীয় উপনিষদেও বর্ণ ও মাত্রার উল্লেখ পাওয়া যায়। ঐতরেয় আরণ্যকে উগ্ন, স্পর্শ, স্বর ও অস্তুস্বর, ব্যঞ্জন ও ঘোষের, গকার ও ষকার হইতে নকার ও সকারের ভেদের ও সন্ধির বিচার পাওয়া যায়। ইহা শাংখ্যায়ন ও আরণ্যকেও পাওয়া যায়। ঐতরেয় ব্রাহ্মণে “ঔ” অক্ষর অকার, উকার, ও মকার দ্বারা নির্মিত বলা হইয়াছে। শতপথ ব্রাহ্মণে একবচন, বহুবচন ও তিন লিঙ্গের ভেদের কথা আছে। তৈত্তিরীয় সংহিতায় লেখা আছে “বাণী অস্পষ্ট ও অনিয়মিত ছিল। দেবতারা ইন্দ্রকে বলিলেন, ‘তুমি আমাদের জন্ম ইহার ব্যাকরণ করিয়া দাও’। ইন্দ্র বাণীকে মধ্যে ধারণ করিয়া ব্যাকৃত করিয়া দিলেন।” এই জন্ম বাণী ব্যাকৃত বা নিয়মবদ্ধ বলিয়া কথিত হয়। এই কথা শতপথ ব্রাহ্মণেও পাওয়া যায়।

উপরি উক্ত প্রমাণ হইতে পাওয়া যাইতেছে যে তৈত্তিরীয় সংহিতা, ব্রাহ্মণ, আরণ্যক ও উপনিষদের সময়েও ব্যাকরণ নির্মিত হইয়াছিল। যদি সে সময় লিখনের প্রচার না থাকিত তাহা হইহে ব্যাকরণ ও উহার পারিভাষিক শব্দের চর্চা হইত না। যে জাতি লিখিতে জানে না তাহা দ্বারা ছন্দোবদ্ধ গান ও স্তোত্র নির্মাণ করা সম্ভব মানিয়া লইলেও তাহারা কখনও স্বর, ব্যঞ্জন, ঘোষ, সন্ধি, বচন, লিঙ্গ ইত্যাদি পারিভাষিক শব্দ ব্যবহার করিতে পারে না। ব্যাকরণের রচনা লিখন কলার উন্নত দশাতেই হইয়া থাকে এবং তাহার জন্ম সমস্ত সাহিত্য আলোড়িত করিতে হয়।

পাণিনি খৃঃ পূঃ চতুর্থ শতকের লোক বলিয়া অনুমিত হয়। যাস্ক তাঁহার অনেক পূর্ববর্তী ছিলেন। যাস্ক তাঁহার নিকটতম গ্রন্থে ঔচস্মরায়ণ, ক্রৌঞ্চীকী

শতবলাক্ষ, মৌদগল্য, শাকপুণি, শাকটায়ন, শ্বেলোষ্ঠীবী, আগ্রায়ণ, ঔর্ণবাম, কাথক্য, কোৎস, গার্গ্য, গালব, চর্ম্মশিরস্, তৈটাকি, বার্ষায়ণ ও শাকল্য নামক বৈয়াকরণ ও নিরুক্তকারদের নাম ও মতের উল্লেখ করিয়াছেন। পাণিনির অষ্টাধ্যায়ী ব্যাকরণে “লিপি” ও “লিবি”, “লিপিকর” ও “লিবিকর” এবং “যবনানী” (অর্থাৎ যবনদিগের লিপি) ইত্যাদি শব্দের ব্যুৎপত্তি এবং স্বরিতের চিহ্নের ও গ্রন্থ শব্দের উল্লেখ পাওয়া যায়। ইহাদের মধ্যে কেবল গার্গ্য, শাকটায়ন, গালব ও শাকল্যের নাম পাণিনি ব্যাকরণে পাওয়া যায়। ইহা হইতে অনুমান হয় যে, পাণিনি ও যাস্কের পূর্বের বহু ব্যাকরণ প্রচলিত ছিল। এখন তাহাদের একখানিও পাওয়া যায় না। এই সকল ব্যাকরণ গ্রন্থ ভারতবর্ষে লিখন বিজ্ঞান প্রাচীনত্বের পরিচায়ক।

পুরাণ শাস্ত্র ঋগ্বেদপূর্ব চতুর্থ শতকে সুপরিচিত ছিল একথা যুরোপীয় পণ্ডিতেরাও স্বীকার করেন। ইহা হইতে বুঝা যায় সেগুলি সেই সময়ের বহু পূর্বের রচিত হইয়াছিল। পুরাণের শ্লোকসংখ্যা বহু সহস্র। এতগুলি শ্লোক কি মুখে মুখে রচিত হইয়াছিল এবং কণ্ঠস্থ করিয়া রাখা হইত ?

মহাভারতে, স্মৃতিশাস্ত্রে, কোটিল্যের অর্থশাস্ত্রে, বাৎস্তায়নের কামসূত্রে লিখন ও লিখিত পুস্তকের বহু উল্লেখ পাওয়া যায়। লিখনের জ্ঞান না থাকিলে গণিত শিক্ষা সম্যক্ রূপে হওয়া অসম্ভব। অথর্ববেদে পরাক্ষি পর্য্যন্ত সংখ্যার উল্লেখ আছে। সামবেদের ব্রাহ্মণ গুলিতে দক্ষিণার বিধান দেওয়া আছে। সর্ব্বাপেক্ষা অল্প দক্ষিণা ১২ ভরি সোণা, তাহার পর উহা ক্রমে ত্রিগুণিত হইয়া ২৪, ৪৮, ৯৬ হইতে ৩৯৬২১৬ ভরি পর্য্যন্ত বাড়িয়া গিয়াছে। ইহা গুণন শ্রেণির জ্ঞানের পরিচায়ক। শতপথ ব্রাহ্মণের অগ্নিচয়ন প্রকরণে হিসাব দেওয়া হইয়াছে যে ঋগ্বেদের বৃহতীছন্দ সংখ্যা ১২০০০, ও যজুর্বেদের বৃহতীছন্দ সংখ্যা ৮০০০ ও সামবেদের বৃহতীছন্দ সংখ্যা ৪০০০। এক একটা বৃহতীছন্দে ৬৬টী করিয়া অক্ষর থাকে, অতএব ঋগ্বেদের অক্ষর সংখ্যা ৪৩২০০ এবং যজুঃ সাম উভয় বেদের অক্ষর সংখ্যা একত্রে ৪৩২০০০। পংক্তি ছন্দের পাঁচ পদে ৮টী করিয়া সর্ব্বসমেত ৪০টি অক্ষর থাকে, অতএব ঋগ্বেদের অক্ষর সংখ্যাকে ৪০ দিয়া ভাগদিলে ঐ বেদে ১০৮০০টী পংক্তি ছন্দ

হয়। একদিনে ৩০ মুহূর্ত হইলে ৩৬০ দিনে ১০,০০০ মুহূর্ত হয়। অতএব একবৎসরে যত মুহূর্ত, তিন বেদে তাহার দ্বিগুণ অক্ষর। এই শতপথ ব্রাহ্মণে অতি সূক্ষ্মভাবে সময়ের বিভাগ করা হইয়াছে। এক প্রাণ প্রায় ২, সেক্রেণ্ডের কাছাকাছি। শতপথ ব্রাহ্মণে দিবসকে ১৫ মুহূর্তে, প্রত্যেক মুহূর্তকে ১৫ ক্ষিপ্রে, প্রত্যেক ক্ষিপ্রে ১৫ এতহিতে, এবং প্রত্যেক এতহিকে ১৫ ইদানিতে এবং প্রত্যেক ইদানিকে ১৫ প্রাণে বিভক্ত করা হইয়াছে। সুতরাং এই রূপে দিবসকাল ৭৫২৩৭৫ ভাগে বিভক্ত দৃষ্ট হয়। লিখন না জানিলে এরূপ সূক্ষ্ম গণনা সম্ভব হয় না।

ঋগ্বেদে অষ্টকর্ণী গাভীর উল্লেখ আছে। যে সকল গাভীর কর্ণে ৮ এর অঙ্ক দাগা থাকিত তাহাদিগকে অষ্টকর্ণী গাভী বলিত। বৈদিক কালে জুয়া খেলার প্রচলন ছিল। পাণ্ডীগুলিতে ১, ২, ৩, ৪, এর অঙ্ক লিখিত থাকিত এবং যাহারা জুয়া খেলিত তাহারা জিত ধনের হিসাব রাখিত।

খৃঃ পূঃ ৩২৬ বৎসরে আলেকজান্ডার ভারত আক্রমণ করেন। তাঁহার একজন সেনাপতির নাম নিয়ার্কস্। নিয়ার্কস্ বলিয়াছেন যে ভারতের লোকেরা তুলা কুটিয়া কাগজ প্রস্তুত করে। মেগাস্থিনীস্ বলেন যে নববর্ষ দিনে গৃহস্থ দিগকে নূতন বর্ষের বর্ষফল শুভান হইত, জন্মপত্রিকা লিখিবার জন্ম জন্মসময় লিখিয়া রাখা হইত, এবং দূরত্ব সূচক ক্রোশাঙ্ক যুক্ত প্রান্তর খণ্ড ব্যবহৃত হইত। এ দুই লেখকের কথায় স্পষ্ট বুঝা যায় যে খৃঃ পূঃ চতুর্থ শতকে এখানকার লোকেরা কাগজ নির্মাণ করিতে ও কোষ্ঠী লিখিতে জানিত। ইহা লিখন বিজ্ঞার প্রাচীনতার নিদর্শন।

বৌদ্ধ শীলগ্রন্থে শ্রমণদিগের জন্ম যে যে নিষেধের ব্যবস্থা আছে তন্মধ্যে “অঙ্করিকা” নামক খেলা একটী। বালকদিগের মধ্যে এ খেলা এখনও প্রচলিত আছে। এ খেলায় কোন ব্যক্তির পীঠে বা শূণ্ণে অঙ্গুলি দ্বারা কিছু লিখিয়া তাহা পড়িতে বলা হয়।

বিনয় পিটকে লিখন-বিদ্যার প্রশংসা আছে। বৌদ্ধ আৰ্যাদিগকে অন্যান্য শিল্প শিখিতে বারণ করা হইয়াছে কিন্তু লেখা শিখিতে আজ্ঞা দেওয়া হইয়াছে। ইহাও বলা হইয়াছে যে যদি বৌদ্ধ শ্রমণেরা আত্মঘাতের প্রশংসা সূচক কিছু লেখে তাহা হইলে প্রত্যেক অক্ষরের জন্ম পাপ হইবে।

গৃহস্থ বালকদিগকে লিখন ব্যবসায় অবলম্বন করিতে বারবার বলা হইয়াছে, যে হেতু ইহা সংসার নির্বাহের প্রধান সহায়।

বুদ্ধদেবের পূর্ব পূর্ব জন্মের বিবরণ গুলির প্রত্যেকটীকে এক একটা জাতক বলে। কথিত হয় যে বুদ্ধদেব স্বমুখে এই সকল বৃত্তান্ত বিবৃত করিয়াছিলেন। জাতক সমূহে লিখনের বর্ণন ও দলিলাদির বিবরণ পাওয়া যায়। জাতকে পাঠশালার বিদ্যার্থীদের কঠোরফলকে লিখিবার এবং ললিতদিস্তরে লিপিশালায় গিয়া বুদ্ধের কঠোরফলকে সুবর্ণ লেখনী দ্বারা লিখনশিক্ষার বিবরণ পাওয়া যায়।

উপরি লিখিত বিবরণ হইতে খৃঃ পূঃ ষষ্ঠ শতকে সাধারণের মধ্যে লিখন-প্রথা প্রচলিত ছিল প্রমাণিত হয়।

এক্ষণে আলোচ্য বিষয়ের কিঞ্চিৎ পুনরালোচনা করিতে করিতে প্রবন্ধের উপসংহার করিব।

ধনে, বলে, বিজ্ঞায়, সভ্যতায় এখন যুরোপীয়গণ পৃথিবীর মধ্যে সর্ব-শ্রেষ্ঠ। গ্রীকেরাই যুরোপের সর্বপ্রথম সভ্য জাতি। গ্রীক সভ্যতা হইতে রোমান সভ্যতার উৎপত্তি। যুরোপের আধুনিক সভ্যতা গ্রীক ও রোমান সভ্যতার উপর প্রতিষ্ঠিত। ইহা ব্যতীত যুরোপীয়েরা খৃষ্ট ধর্মাবলম্বী। উহাদের আদি ধর্মগ্রন্থ হীক্ল ও গ্রীক ভাষায় রচিত। হীক্ল, গ্রীক, ল্যাটিন বর্ণমালা ফিনিসীয় লিপি হইতে উৎপন্ন। আরবী, ইথিওপীয়, সিরায়, জেরাণী ইত্যাদিও ঐ পরিবার ভুক্ত। এ হেন গোঁরবাত্মক ফিনিসীয় বর্ণমালা ব্রাহ্মীলিপিরও জননী প্রতিপন্ন হইলে পৃথিবীর যাবতীয় বর্ণমালার একীকরণ হয়। এই একীকরণ বড়ই বাঞ্ছনীয়। এই একীকরণ মানসে অনেক যুরোপীয় পণ্ডিত ভারতীয় প্রাচীন লিপির অনুসন্ধানে প্রবৃত্ত হন। ব্রাহ্মীলিপি ভারতের মৌলিক লিপি হইতে পারে না এইরূপ পূর্ববিসংস্কার লইয়া তাঁহাদের মধ্যে অনেকে অনুসন্ধান কার্য আরম্ভ করেন। ইহা গ্রীক হইতে, না হয় কোন উত্তরী বা দক্ষিণী সেমেটিক বর্ণমালা হইতে উৎপন্ন ইহাই তাঁহাদের বিশ্বাস।

যাঁহারা গ্রীক হইতে ব্রাহ্মী বর্ণমালার উৎপত্তি হইয়াছে বলেন, তাঁহাদের মধ্যে প্রিন্সেপ, মিউলার ও সেনার্ট প্রধান। যাঁহারা দক্ষিণী

সেমেটিক বর্ণমালা হইতে ব্রাহ্মীলিপির উৎপত্তির পক্ষপাতী তাঁহাদের মধ্যে ডেক্ ও টেলার অগ্রগণ্য। যাহাদের মতে ব্রাহ্মীর উৎপত্তি উত্তরী সেমেটিকলিপি হইতে, তাঁহাদের মধ্যে ছইলার ও বুলার প্রসিদ্ধ। এখন বুলারের মতই প্রবল। এতদ্বিধা এক দল যুরোপীয় পণ্ডিত আছেন, তাঁহারা বলেন ভারতবর্ষেই ব্রাহ্মীলিপির উৎপত্তি। তাঁহাদের মধ্যে লাসেন্, স্ট্রিমাস্, ডাউসন ও এ.কানিংহামের নাম পরিচিত।

চিত্রলিখন লিপিবিচারাদি ইহাই এখন সকল বিদ্বানের মত। চিত্রলিখন হইতে ভাবলিপি এবং ভাবলিপি হইতে ধ্বনিলিপি। ভাবলিপি দুইশ্রেণীর— (১) যে বৈখিক সংকেতগুলির দ্বারা বাস্তব পদার্থ প্রকাশিত হয় ও (২) যেগুলি দ্বারা অবচ্ছিন্ন ভাব প্রকাশিত হয়। ধ্বনিলিপি তিন প্রকারের—(১) যে চিহ্নগুলি দ্বারা এক একটা সম্পূর্ণ শব্দ প্রকাশিত হয়, (২) যেগুলি দ্বারা এক একটা একাচ্ (syllable) প্রকাশিত হয় এবং (৩) যে গুলি দ্বারা এক একটা ধ্বনি প্রকাশিত হয়।

ব্রাহ্মীলিপি শেষোক্ত প্রকারের লিপি, অর্থাৎ বর্ণাত্মক ধ্বনিলিপি। ব্রাহ্মীলিপি ভারতপ্রসূত কোন চিত্রলিপি ও ভাবলিপির ক্রমবিকাশ কিনা কিছুকাল পূর্ব পর্য্যন্ত তাহার কোন প্রমাণ পাওয়া যায় নাই। যুরোপীয় পণ্ডিতেরা বলেন যে যদি ব্রাহ্মীলিপি চিত্রলিপি হইতে উৎপন্ন হইত তাহা হইলে ইহার বর্ণমালার এক একটা অক্ষরের নাম এক একটা বস্তুর নাম হইতে গৃহীত হইত, কারণ সেমেটিক বর্ণগুলির নাম অর্থযুক্ত বলিয়া সেমেটিক বর্ণমালা ভাবলিপি হইতে উৎপন্ন হইয়াছে বেশ বুঝিতে পারা যায়।

অতএব ব্রাহ্মী বর্ণমালা যে ভারতবর্ষে স্বাধীন ভাবে উৎপন্ন হইয়াছে ইহা প্রমাণ করিবার জন্য জেনারেথ কানিংহাম প্রত্যেক বর্ণের কোন কোন বস্তুর চিত্র হইতে আকৃতি লাভ করা সম্ভব তাহা দেখাইবার জন্য যত্ন করিয়াছেন। কিন্তু ব্রাহ্মী বর্ণমালা চিত্রলিখন হইতে সমুদ্ভূত বলিয়া এখন পর্য্যন্ত কোন প্রত্যক্ষ প্রমাণ পাওয়া যায় নাই। যদিও কতকগুলি যুরোপীয় বিদ্বান ব্রাহ্মীলিপির মৌলিকত্বের পোষকতা করেন তথাপি তাঁহাদের মতের বিরুদ্ধে নিম্নলিখিত যুক্তিগুলি প্রদর্শিত হয়—

(১) যদি ব্রাহ্মীলিপি বস্তুর চিত্র হইতে গৃহীত হইত তাহা হইলে

বর্ণগুলিতে সেই সেই বস্তুর প্রতিকৃতির কোন না কোন আভাস পাওয়া যাইত। মিসর ইত্যাদির গ্রন্থ ভারতবর্ষের কোন স্থানে প্রাচীন চিত্রলিপি বা ভাবলিপি আবিষ্কৃত হয় নাই। যদিও পাঞ্জাবে কতকগুলি “হরপ্পা সীল” আবিষ্কৃত হইয়াছে এবং উহাদের প্রত্যেকে ছয়টি অঙ্গান্ত রৈখিক সঙ্কেত দৃষ্ট হয়, তথাপি উহা দ্বারা বিশেষ কিছু প্রমাণিত হয় না। উহা কোন কালের এবং উহা যে ভারতীয় তদ্বিষয়ে কোন প্রমাণ পাওয়া যায় নাই। সঙ্কেতগুলি প্রাচীন চীনা অক্ষর বলিয়া অনুমিত হয়।

(২) যে সময়ের ব্রাহ্মীলিপি আবিষ্কৃত হইয়াছে তাহা পরিপুষ্ট অবস্থা-প্রাপ্ত। কি কি ক্রম অতিক্রম করিয়া উহা এরূপ উন্নত অবস্থায় উপনীত হইয়াছিল তাহার কোন চিহ্ন পাওয়া যায় না। প্রথম হইতেই ইহার বর্ণগুলি বাগ্যশ্বের অবস্থানানুযায়ী ভিন্ন ভিন্ন শ্রেণীতে স্বর ও ব্যঞ্জন ভেদে সুন্দর ভাবে বিন্যস্ত। কোন জাতিই এরূপ বৈজ্ঞানিক বর্ণমালা প্রথম হইতেই আবিষ্কার করিতে সমর্থ হয় না।

(৩) বৃহদায়তন ভারতবর্ষের বিভিন্ন প্রদেশস্থ অশোক শিলালিপির লিখন, সকল স্থানে প্রায় একই আকারের। যদি ভারতবর্ষই ইহার উৎপত্তিস্থান হইত, তাহা হইলে বিভিন্ন প্রদেশের লিখনে যথেষ্ট তারতম্য থাকিত।

(৪) বৈদিক যুগে লিখন অঙ্গান্ত ছিল, কারণ বেদ ‘শ্রুতি’ নামে অভিহিত হয়। ইহা পুরুষানুক্রমে বহু যুগ ধরিয়া মুখে মুখে চলিয়া আসিয়াছিল।

প্রথমোক্ত আপত্তির উত্তরে ‘হরপ্পা সীলের’ উল্লেখ করা যাইতে পারে। যদি তাহা যথেষ্ট বিবেচিত না হয় তাহা হইলে বলা যাইতে পারে যে সম্প্রতি হাইদ্রাবাদ রাজ্যের অন্তর্গত রায়গড় হইতে শ্রীযুক্ত জে, যাজদানী কর্তৃক কতকগুলি মৃন্ময় পাত্র আবিষ্কৃত হওয়াতে প্রত্নতত্ত্ববিদগণের মধ্যে বুলরের মত সম্বন্ধে ঘোর সন্দেহ উপস্থিত হইয়াছে। দ্রাবিড় দেশে প্রাগৈতিহাসিক যুগে এই পাত্রগুলিতে মৃতদেহ রক্ষিত হইত, এবং ইহাদের গাত্রে পৃথক পৃথক আক্ষরিক চিহ্ন আবিষ্কৃত হইয়াছে। ইহার পূর্বে ক্রস্ ফুট সাহেব মহীসূর ও ত্রিবাঙ্কুর রাজ্যের নানা স্থান হইতে কতকগুলি মৃৎপাত্র সংগ্রহ করিয়া মাদ্রাজ মিউজিয়ামে রাখিয়া দিয়াছিলেন। সেগুলির গাত্রে যেরূপ চিহ্ন দেখা গিয়াছিল শ্রীযুক্ত যাজদানী আবিষ্কৃত পাত্রগাত্র তাহাদের অনুরূপ চিহ্ন লক্ষিত

হয়। ১৩১টা চিহ্ন আবিষ্কৃত হইয়াছে, তন্মধ্যে ৫টা চিহ্ন ব্রাহ্মীলিপির ৫টা বর্ণের অবিকল প্রতিক্রম। অতএব ব্রাহ্মীলিপি ভারতের প্রাগৈতিহাসিক যুগের মৌলিক লিপি হইতে উদ্ভূত বলিলে অশোক্তিতা দোষে দূষিত হইবার কোন কারণ নাই। এ পাত্রগুলির কতক মেগালিথিক যুগের। অতএব খৃঃ পূঃ ১৫০০ বৎসরের ন্যূনকালের নহে; অপর গুলি নিওলিথিক যুগের এবং তাহাদের কাল অন্ত্য ৩০০০ খৃঃ পূঃ। আসাম হইতেও অতি প্রাচীন অক্ষরের নিদর্শন পাওয়া গিয়াছে। এখানে ইহা উল্লেখযোগ্য যে সাইপ্রস ও ফিনীসীয় বর্ণমালার ২০টা অক্ষর, পুরাতন প্রস্তরযুগের ও নুতন প্রস্তরযুগের কতক গুলি মুড়ির উপর চিত্রিত আক্ষরিক চিহ্ন পর্য্যন্ত অনুরূপ হইয়াছে বলিয়া এই বর্ণমালার বহু প্রাচীনত্ব প্রমাণিত হয়। এ প্রসঙ্গে আর একটা কথা উল্লেখযোগ্য। কলিকাতা মিউজিয়ামে নুতন প্রস্তর যুগের কতিপয় প্রস্তর খণ্ড রক্ষিত আছে। তাহাদের গাত্রে কতকগুলি চিহ্ন আছে। সেই প্রস্তর গুলির মধ্যে একখানির তিনটা চিহ্ন অশোকের লিপির ৩টা বর্ণের সহিত মিলে, কিন্তু সে আক্ষরিক চিহ্নগুলির মুখ বিপরীত দিকে।

অতএব ব্রাহ্মীলিপির উৎপত্তিকাল ঐতিহাসিক যুগ হইতে প্রাগৈতিহাসিক যুগে স্থানান্তরিত হইতেছে। যখন ব্রাহ্মীর কয়েকটা বর্ণ প্রাগৈতিহাসিক যুগের বস্তুতে প্রাপ্ত চিহ্নের সহিত সম্পূর্ণরূপে বা প্রায়ই সমান, তখন ব্রাহ্মী লিপিকে সেমেটিক বা অন্য কোন বিদেশী লিপি হইতে উৎপন্ন বলা সম্পূর্ণ অযাবিকার।

দ্বিতীয় ও তৃতীয় আপত্তির উত্তর প্রথম আপত্তির উত্তর হইতে সহজেই অনুমিত হয়। ব্রাহ্মীলিপি ভারতীয় অতি প্রাচীন লিপি হইতে সমুদ্ভূত। ইহা বহুকাল হইতে ব্রাহ্মণদিগের নিজস্ব সম্পত্তি ছিল। হট্টিনী ও বোটলিক্লেও এই মত। তাঁহারা বলেন যে লিখন বহুকাল হইতে ভারতবর্ষে প্রচলিত এবং উহা কেবল রচনা ও গ্রন্থ সংরক্ষার জন্য ব্যবহৃত হইত। শিক্ষাকার্য্য সম্পূর্ণরূপে বাচনিক ছিল। ব্রাহ্মণেরা নিতান্ত রক্ষণশীল। যতদিন লিখন তাঁহাদের মধ্যে আবদ্ধ ছিল এবং সাধারণে ব্যবহৃত হয় নাই ততদিন ব্রাহ্মী লিপির অধিক পরিবর্তন হয় নাই। তাহার পর কিছু কিছু করিয়া ইহা পরিবর্তিত হইতে আরম্ভ হয়। জৈন তীর্থঙ্কর ও বুদ্ধদেবের

আবির্ভাবের কিছু পূর্ব হইতেই ইহা সাধারণে ব্যবহৃত হইত। অশোকলিপির একতা সম্বন্ধে বলা যাইতে পারে যে একই সম্রাটের অশ্বশাসন-লিপির ছাঁদ একই রূপ হওয়া বিচিত্র নয়। অশোকের পূর্বেই বৈয়াকরণেরা ব্রাহ্মীলিপিকে সর্বদা সুন্দর করিয়াছিলেন। তাঁহারা বর্ণগুলির বাস্তব নাম রক্ষা করা আবশ্যক মনে করেন নাই। তাঁহারা বর্ণগুলির উচ্চারণের দিকে লক্ষ্য করিয়া অনাবশ্যক নাম ত্যাগ করিয়া বৈজ্ঞানিক নাম রাখিয়াছিলেন।

চতুর্থ আপত্তির উত্তর ইতঃপূর্বে বিষদভাবে দেওয়া হইয়াছে। তাহার আর পুনরুল্লেখ করিলাম না।

এই আলোচনার যুক্তিপূর্ণতায় হইতে মনে দৃঢ় ধারণা হয় যে ভারতের লিখনকলা অতি প্রাচীন ও স্বাধীনভাবে কল্পিত। বৈদিক যুগে ইহার উৎপত্তি হইয়াছিল বলিয়া অনুমিত হয় এবং ব্রাহ্মী বর্ণমালা বৈদিক যুগের লিপির ক্রমবিকাশ বলিয়া বিশ্বাস হয়। বৈদিক যুগের পূর্ববর্তী যুগে হয়ত প্রাগৈতিহাসিক অধ্যয়নের মধ্যে চিত্র লিখন প্রচলিত ছিল এবং তাহার কিছু নিদর্শন হস্তগত হইয়াছে। আশা করা যায় ভবিষ্যতে আরও অনেক প্রমাণ সংগৃহীত হইবে এবং তখন নিঃসন্দেহে বলিতে পারা যাইবে যে বেদদ্রষ্টা অধ্যায়ীরা তাহাদের লিপির জন্য অন্য জাতির নিকট ঋণী নয়।

ভারতীয় প্রাচীন লিপির উৎপত্তি সম্বন্ধে অধিকতর অনুসন্ধান কল্পে পাঠকগণ নিম্নলিখিত প্রবন্ধ ও বিবরণগুলির আলোচনা করিতে পারেন।

(ক) হাইদ্রাবাদের ঐতিহাসিক সমাজের জর্ণালে যাজ্ঞানী লিখিত প্রাগৈতিহাসিক যুগের মূৎপাত্রস্থ চিহ্নসম্বন্ধে কয়েকটি প্রবন্ধ।

(খ) রয়াল এসিয়াটিক সমাজের জর্ণালে “হরপ্পা সীল” সম্বন্ধে ক্রাট সাহেব লিখিত প্রবন্ধ।

(গ) হরপ্পাসালের লিখনের ন্যায় কতগুলি লিখন শ্রীযুক্ত রাখাল দাস বন্দ্যোপাধ্যায় দ্বারা সিন্ধু দেশে আবিষ্কৃত হইয়াছে, তাহাদের বিবরণ।

(ঘ) বানগঙ্গার পথে রাজগৃহের নিকট কতক গুলি কড়ির অক্ষর পাওয়া গিয়াছে তাহাদের ছাপ পাটনা মিউজিয়ামে আছে। এ অক্ষরগুলি এখনও পঠিত হয় নাই।

(ঙ) উত্তর পশ্চিম সীমান্ত প্রদেশে যে লিখন গুলি পাওয়া গিয়াছে

তাহাদের যে বিবরণ রয়াল এসিয়াটিক সমাজের জর্ণালে প্রকাশিত হইয়াছে।

(চ) মির্জাপুর জেলায় কতকগুলি রঙ্গীন চিত্রে মিঃ এম্, ঘোষ ও মিঃ কে, এন, দীক্ষিত কর্তৃক আবিষ্কৃত কতকগুলি চিহ্ন। ইহাদের বিবরণ শীঘ্রই আর্কিওলজিকাল সমাজের পত্রে বাহির হইবে।

এতদ্ব্যতীত নিম্নলিখিত পুস্তক গুলি পাঠ করিলেও অনেক তথ্য সংগৃহীত হইতে পারে।

(ক) অস্বর্গে লিখিত “পুরাতন প্রস্তর যুগের মনুষ্য” নামক পুস্তকে প্রাগৈতিহাসিক মুড়ির উপরের চিহ্নের বিবরণ।

(খ) হেলেনিক ফিডাজের জর্ণালে ক্রোটের খাতমধ্যে প্রাপ্ত রৈখিক লিখনের বিবরণ।

(গ) সেইস্ লিখিত হিটাটদের ইতিহাসে হিটাইট লিখনের বিবরণ।

সম্প্রতি সিন্ধুপ্রদেশের লর্খানা জেলায় মহেন্-জো-দড়োতে শ্রীযুক্ত রাখাল দাস বন্দ্যোপাধ্যায়ের তত্ত্বাবধানে ও পাঞ্জাবের মন্টগুমারী জেলায় হরপ্পাতে শ্রীযুক্ত দয়ারাম সাহনীর তত্ত্বাবধানে কতকগুলি প্রাচীন স্তূপের খনন হইয়া অনেকগুলি প্রাগৈতিহাসিক যুগের মৃৎমুদ্রা, মৃৎপাত্র, অস্থি, অস্থিভঙ্গ, প্রস্তরের আয়ুধ, তাম্রখণ্ড ইত্যাদি পাওয়া গিয়াছে। তাম্রখণ্ডগুলিতে ও মৃৎমুদ্রাগুলিতে লিখনের আভাস পাওয়া গিয়াছে। এই লিপি বিচিত্র ও ব্রাহ্মীলিপি হইতে সম্পূর্ণ বিভিন্ন। ইহা হইতে অনুমান করা হইতেছে যে পাঞ্জাবে ও সিন্ধুপ্রদেশে সুদূর প্রাচীন যুগে কোন এক অজ্ঞাত জাতির বাস ছিল। তাহারা আর্যদের পূর্বে এদেশে আসিয়াছিল। তাহারা হয়ত পুরাতন বাবিলনীয়দের, সুমেরীয়দের এবং সাইপ্রস ও ক্রীটবাসীদের জ্ঞাতি। এই প্রশ্নের মোমাংসা এখনও হয় নাই।

১৯২৫ সালের ৫ই এপ্রিলের স্টেটসম্যান দৈনিক পত্রে ডাক্তার আর, এন, সাহা দেখাইবার চেষ্টা করিয়াছেন যে জর্জিয়ার লিপি দ্বারা সেমেটিক ও ভারতীয় লিপির সম্বন্ধ স্থাপিত হইতে পারে।

१म छिद्र—दायाँ वर्णमाला ।

অ	স	স	ক	+	+	প	৬	৬
আ	স		খ	?	?	ফ	৬	৬
ই			গ	৮	৮	ব	০	০
ঈ			ঘ	৬		ভ	৮	৮
উ	৮	৮	ঙ			ম	৪	৪
ঊ	৮		চ	৮	৮	য	৮	৮
ঋ			ছ	৮	৮	র	{	{
ৠ			জ	৮	৮	ল	৮	৮
ৡ			ঝ	৮	৮	ব	৮	৮
ৢ			ঞ	৮	৮	শ	৮	৮
ৣ	৮		ট	৮	৮	ষ	৮	৮
৤	৮		ঠ	৮		স	৮	৮
৥	৮		ড	৮		হ	৮	৮
০	৮		ঢ	৮		ঝ	৮	৮
১	৮		ন	৮				
২	৮		ত	৮	৮			
৩	৮		থ	৮				
৪	৮		দ	৮	৮			
৫	৮		ধ	৮				
৬	৮		প	৮				
৭	৮		ফ	৮				
৮	৮		ব	৮				
৯	৮		ভ	৮				
০	৮		ম	৮				
১	৮		য	৮				
২	৮		র	৮				
৩	৮		ল	৮				
৪	৮		ব	৮				
৫	৮		শ	৮				
৬	৮		ষ	৮				
৭	৮		স	৮				
৮	৮		হ	৮				
৯	৮		ঝ	৮				

২য় চিত্র—স্বর-সংযুক্ত ব্যঞ্জন ।

আকার কা ८, জা ৮, মা ৮
 ইকার কি ৮, টি ৮, লি ৮
 ঈকার কী ৮, পী ৮, তী ৮, মী ৮, শী ৮
 উকার কু ৮, নু ৮, সু ৮
 ঊকার কূ ৮, জু ৮, সু ৮
 ঋকার কৃ ৮, গৃ ৮, বৃ ৮
 ঌকার কে ৮, টে ৮, নে ৮
 ঍কার কৈ ৮, থৈ ৮, বৈ ৮
 ওকার কো ৮, গৌ ৮, মৌ ৮, লৌ ৮
 ঔকার কৌ ৮, নৌ ৮, পৌ ৮, শৌ ৮

৩য় চিত্র—কণ্ঠকটী ব্যঞ্জনসংযোগ ।

যফলা-ক্য ৮, খ্য ৮, স্য ৮, ত্য ৮, ম্য ৮,
 ষ্য ৮, ঞ্য ৮, শ্য ৮
 বফলা-ক্ ৮, খ্ ৮, স্ ৮, ত্ ৮, ম্ ৮, ঞ্ ৮, শ্ ৮
 লফলা-ক ৮, বফলা-ক ৮, স ৮, ত ৮, ম ৮, ঞ ৮, শ ৮
 মফলা-ক ৮, বফলা-ক ৮, স ৮, ত ৮, ম ৮, ঞ ৮, শ ৮
 মহ ৮, মই ৮, মো ৮, মী ৮, মূ ৮, মৌ ৮, মৌ ৮, মৌ ৮
 ক্ ৮, খ্ ৮, স্ ৮, ত্ ৮, ম্ ৮, ঞ্ ৮, শ্ ৮

ইয়ং ধর্মজিগী দেবানং প্রিয়েন প্রিয়দসিনা রাএণ লিখাপিতা ইধ ন কিংচি
জীবং আরভিৎপা প্রজুহিতব্যং নং চ সমাজো কতব্যো বহুকং হি দোসং সমাজম্‌হি
পসতি দেবানং প্রিয়ো প্রিয়দসি রাজা অস্তি পি তু একচা সমাজা সাধুমতা দেবানং
প্রিয়স প্রিয়দসিনো রাএণ পুরা মহানসম্‌হি দেবানং প্রিয়স প্রিয়দসিনো রাএণ
অনুদিবসং বহুনি প্রাণসতসহস্রানি আরভিস্তু সূপাথায় ।

এই ধর্মলিপি দেবপ্রিয় প্রিয়দর্শী রাজা দ্বারা লেখান হইল । এখানে কোন
জীবকে বলি দিয়া হোম করিবে না ; অথবা সমাজ (স্ত্রীপান ও মাংসাহার সহিত
আমোদ প্রমোদ) করিবে না । অনেক দোষ সমাজে প্রবেশ করে । দেবপ্রিয়
প্রিয়দর্শী রাজার একটি হিতকর সমাজ (বৌদ্ধ সঙ্ঘ) আছে । পূর্বের দেবপ্রিয়
প্রিয়দর্শী রাজার রন্ধনশালায় প্রতি দিবস শতসহস্র প্রাণী সূপার্থ হত্যা হইত ।

৫ম চিত্র—বাক্যনে যুক্ত অক্ষরের চিহ্নের উৎপত্তি ।

			নাগরী		বাংলা
আকার	কা	+	ক	কা	কা কা
ইকার	কি	+	কি	কি	কি কি
ঈকার	কী	+	কী	কী	কী কী
উকার	কু	+	কু	কু	কু কু
ঊকার	কূ	+	কূ	কূ	কূ কূ
ঋকার	কৃ	+	কৃ	কৃ	কৃ কৃ
একার	কে	+	কে	কে	কে কে
ঐকার	কৈ	+	কৈ	কৈ	কৈ কৈ
ওকার	কো	+	কো	কো	কো কো
ঔকার	কৌ	+	কৌ	কৌ	কৌ কৌ

৬ষ্ঠ চিত্র—নাগরী ও বাংলা অক্ষরের উৎপত্তি ।

নাগরী	বাংলা
১ - ১ ১ ১ ১ ১ ১	১ ১ ১
২ = ২ ২ ২	২ ২ ২
৩ ≡ ৩ ৩ ৩ ৩	৩ ৩ ৩
৪ + ৪ ৪ ৪ ৪	৪
৫ ৫ ৫ ৫	৫ ৫ ৫ ৫
৬ ৬ ৬ ৬	৬ ৬ ৬
৭ ৭ ৭ ৭ ৭	৭ ৭
৮ ৮ ৮ ৮ ৮ ৮ ৮	৮ ৮ ৮
৯ ৯ ৯ ৯ ৯ ৯ ৯	৯ ৯

৭ম চিত্র—সংখ্যাবাচক চিহ্ন সমূহের ক্রম বিকাশ।

সংখ্যা অলোক লিপি খৃঃ পূঃ ২য় শতক খৃষ্টীয় ১ম ও ২য় শতক

১		—	—
২		==	==
৩			≡
৪	+	𐍯𐍯	𐍯𐍯
৫			𐍯𐍯𐍯𐍯
৬	৫৫	𐍯	𐍯.𐍯 𐍯𐍯
৭		𐍯	𐍯𐍯𐍯
৮			𐍯𐍯𐍯 𐍯𐍯
৯		𐍯	𐍯
১০		𐍯 𐍯 𐍯 𐍯 𐍯	𐍯 𐍯 𐍯 𐍯 𐍯
২০		𐍯 𐍯 𐍯 𐍯	𐍯 𐍯 𐍯 𐍯
৩০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৪০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৫০	৫০	𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৬০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৭০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৮০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
৯০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
১০০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯
১০০০		𐍯 𐍯 𐍯	𐍯 𐍯 𐍯

৭ম চিত্র—সংখ্যাবাচক চিহ্ন সমূহের ক্রম বিকাশ।

খ: ২য় হইতে ৪র্থ শতক খ: ৪র্থ হইতে ৬ষ্ঠ শতক

খ: ৬ষ্ঠ শতক ৭ম ও ৮ম শতক

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3 5 3 3 5 5 2 0 3 3 2 2
3 3 3 3 3 3

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2 4 4 2

2 5

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33

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 ୫୫୫ ୫୫୫ ୫୫୫
 ୫୫୫ ୫୫୫ ୫୫୫
 ୫୫୫ ୫୫୫ ୫୫୫

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ॐ नमो भगवते वासुदेवाय

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৭ম চিত্র—সংখ্যাচাক চিহ্ন সমূহের ক্রম বিকাশ।

৯ম শতক	১০ম শতক	পরবর্তী	আধুনিক
১	.	৭	৭
২	২	৩২	২
৩		৩	৩
৪		৪	৪
৫		৫৫	৫৫
৬		৬৬	৬৬
৭		৭৭	৭৭
৮		৮৮	৮৮
৯		৯৯	৯৯
১০		১০০	১০০
১১		১১১	১১১
১২		১২২	১২২
১৩		১৩৩	১৩৩
১৪		১৪৪	১৪৪
১৫		১৫৫	১৫৫
১৬		১৬৬	১৬৬
১৭		১৭৭	১৭৭
১৮		১৮৮	১৮৮
১৯		১৯৯	১৯৯
২০		২০০	২০০
২১		২১১	২১১
২২		২২২	২২২
২৩		২৩৩	২৩৩
২৪		২৪৪	২৪৪
২৫		২৫৫	২৫৫
২৬		২৬৬	২৬৬
২৭		২৭৭	২৭৭
২৮		২৮৮	২৮৮
২৯		২৯৯	২৯৯
৩০		৩০০	৩০০
৩১		৩১১	৩১১
৩২		৩২২	৩২২
৩৩		৩৩৩	৩৩৩
৩৪		৩৪৪	৩৪৪
৩৫		৩৫৫	৩৫৫
৩৬		৩৬৬	৩৬৬
৩৭		৩৭৭	৩৭৭
৩৮		৩৮৮	৩৮৮
৩৯		৩৯৯	৩৯৯
৪০		৪০০	৪০০
৪১		৪১১	৪১১
৪২		৪২২	৪২২
৪৩		৪৩৩	৪৩৩
৪৪		৪৪৪	৪৪৪
৪৫		৪৫৫	৪৫৫
৪৬		৪৬৬	৪৬৬
৪৭		৪৭৭	৪৭৭
৪৮		৪৮৮	৪৮৮
৪৯		৪৯৯	৪৯৯
৫০		৫০০	৫০০
৫১		৫১১	৫১১
৫২		৫২২	৫২২
৫৩		৫৩৩	৫৩৩
৫৪		৫৪৪	৫৪৪
৫৫		৫৫৫	৫৫৫
৫৬		৫৬৬	৫৬৬
৫৭		৫৭৭	৫৭৭
৫৮		৫৮৮	৫৮৮
৫৯		৫৯৯	৫৯৯
৬০		৬০০	৬০০
৬১		৬১১	৬১১
৬২		৬২২	৬২২
৬৩		৬৩৩	৬৩৩
৬৪		৬৪৪	৬৪৪
৬৫		৬৫৫	৬৫৫
৬৬		৬৬৬	৬৬৬
৬৭		৬৭৭	৬৭৭
৬৮		৬৮৮	৬৮৮
৬৯		৬৯৯	৬৯৯
৭০		৭০০	৭০০
৭১		৭১১	৭১১
৭২		৭২২	৭২২
৭৩		৭৩৩	৭৩৩
৭৪		৭৪৪	৭৪৪
৭৫		৭৫৫	৭৫৫
৭৬		৭৬৬	৭৬৬
৭৭		৭৭৭	৭৭৭
৭৮		৭৮৮	৭৮৮
৭৯		৭৯৯	৭৯৯
৮০		৮০০	৮০০
৮১		৮১১	৮১১
৮২		৮২২	৮২২
৮৩		৮৩৩	৮৩৩
৮৪		৮৪৪	৮৪৪
৮৫		৮৫৫	৮৫৫
৮৬		৮৬৬	৮৬৬
৮৭		৮৭৭	৮৭৭
৮৮		৮৮৮	৮৮৮
৮৯		৮৯৯	৮৯৯
৯০		৯০০	৯০০
৯১		৯১১	৯১১
৯২		৯২২	৯২২
৯৩		৯৩৩	৯৩৩
৯৪		৯৪৪	৯৪৪
৯৫		৯৫৫	৯৫৫
৯৬		৯৬৬	৯৬৬
৯৭		৯৭৭	৯৭৭
৯৮		৯৮৮	৯৮৮
৯৯		৯৯৯	৯৯৯
১০০		১০০০	১০০০

৮ম চিত্র—দেবনাগরী লিপির ক্রমিক বিকাশ ।

ব্রাহ্মী, খৃঃ পূঃ ৩য় হইতে
খৃষ্টীয় প্রথম শতক
পর্যন্ত ।

কুষাণ, খৃষ্টীয়
প্রথম হইতে
৩য় শতক
পর্যন্ত ।

গুপ্ত, খৃষ্টীয়
৪র্থ ও ৫ম
শতক ।

খৃষ্টীয় ৭ম হইতে
৯ম শতক ।

পরবর্তী

अ ढ ढ ढ	अ	अ	अ
आ ढ		आ	आआ
इ ढ ढ ढ	इ	इ	इइ इ
उ ढ ढ ढ	उ	उ	उ
ऊ ढ ढ	ऊ	ऊ	ऊऊ
ऋ		ऋ	ऋऋ
ॠ		ॠ	ॠॠ
ऌ		ऌ	ऌऌ
ॡ		ॡ	ॡॡ
ए ढ ढ ढ	ए	ए	ए
ऐ ढ		ऐ	ऐ
ओ ढ ढ	ओ	ओ	ओ ओ ओ ओ
उ		उ	उ उ उ उ
अः		अः	अः
अः		अः	अः
क + +	क	क	क क
ख ? १ ० ० ०	ख	ख	ख ख
ग १ १ १ १	ग	ग	ग ग
घ ढ ढ ढ	घ	घ	घ घ
उ		उ	उ उ
च ढ ढ ढ	च	च	च च
छ ढ ढ	छ	छ	छ छ छ
ज ढ ढ ढ ढ ढ	ज	ज	ज ज ज
झ ढ ढ	झ	झ	झ झ झ
ञ ढ	ञ	ञ	ञ न

৮-ম চিত্র—দেবনাগরী লিপির ক্রমিক বিকাশ।

ব্রাহ্মী, খৃঃ পূঃ ৩য় হইতে কুষাণ, খৃষ্টীয় ১ম শতাব্দী, ৪র্থ ও ৫ম খৃষ্টীয় ৭ম হইতে পরবর্তী
খৃষ্টীয় প্রথম শতাব্দী হইতে ৩য় শতাব্দী ৫ম শতাব্দী ৯ম শতাব্দী
পঞ্চম শতাব্দী পঞ্চম শতাব্দী

[illegible]

৯ম চিত্র—মাগরী ও বাঙ্গালা লিপির উৎপত্তি

ব্রাহ্মী	উৎপত্তি	মাগরী	বাঙ্গালা
অ া	স্ব	অ া	অ া
আ া	স্ব	আ া	আ া
ই া	স্ব	ই া	ই া
ঈ া	স্ব	ঈ া	ঈ া
উ া	স্ব	উ া	উ া
ঊ া	স্ব	ঊ া	ঊ া
ঋ া	স্ব	ঋ া	ঋ া
ৠ া	স্ব	ৠ া	ৠ া
ৡ া	স্ব	ৡ া	ৡ া
ৢ া	স্ব	ৢ া	ৢ া
ৣ া	স্ব	ৣ া	ৣ া
৤ া	স্ব	৤ া	৤ া
৥ া	স্ব	৥ া	৥ া
০ া	স্ব	০ া	০ া
১ া	স্ব	১ া	১ া
২ া	স্ব	২ া	২ া
৩ া	স্ব	৩ া	৩ া
৪ া	স্ব	৪ া	৪ া
৫ া	স্ব	৫ া	৫ া
৬ া	স্ব	৬ া	৬ া
৭ া	স্ব	৭ া	৭ া
৮ া	স্ব	৮ া	৮ া
৯ া	স্ব	৯ া	৯ া
১০ া	স্ব	১০ া	১০ া
১১ া	স্ব	১১ া	১১ া
১২ া	স্ব	১২ া	১২ া
১৩ া	স্ব	১৩ া	১৩ া
১৪ া	স্ব	১৪ া	১৪ া
১৫ া	স্ব	১৫ া	১৫ া
১৬ া	স্ব	১৬ া	১৬ া
১৭ া	স্ব	১৭ া	১৭ া
১৮ া	স্ব	১৮ া	১৮ া
১৯ া	স্ব	১৯ া	১৯ া
২০ া	স্ব	২০ া	২০ া

ক	ক	ক	ক	ক
খ	খ	খ	খ	খ
গ	গ	গ	গ	গ
ঘ	ঘ	ঘ	ঘ	ঘ
ঙ	ঙ	ঙ	ঙ	ঙ
চ	চ	চ	চ	চ
ছ	ছ	ছ	ছ	ছ
জ	জ	জ	জ	জ
ঝ	ঝ	ঝ	ঝ	ঝ
ঞ	ঞ	ঞ	ঞ	ঞ

৯ম চিত্র—নাগরী ও বাঙ্গালা লিপির উৎপত্তি ।

ব্রাহ্মী	কটিনা নাগরী।	বাঙ্গালা।
ট	৮	৮ ৮ ৮
ঠ	০	০ ০ ০
ড	৮	৮ ৮ ৮
ঢ	৬	৬ ৬ ৬
ণ	৮	৮ ৮ ৮
ত	৮	৮ ৮ ৮
থ	০	০ ০ ০
দ	৮	৮ ৮ ৮
ধ	৮	৮ ৮ ৮
ন	৮	৮ ৮ ৮
প	৮	৮ ৮ ৮
ফ	৮	৮ ৮ ৮
ব	৮	৮ ৮ ৮
ভ	৮	৮ ৮ ৮
ম	৮	৮ ৮ ৮
য	৮	৮ ৮ ৮
র	৮	৮ ৮ ৮
ল	৮	৮ ৮ ৮
শ	৮	৮ ৮ ৮
ষ	৮	৮ ৮ ৮
স	৮	৮ ৮ ৮
হ	৮	৮ ৮ ৮
ক	৮	৮ ৮ ৮

১০ম চিত্র—খরোষ্ঠী বর্ণমালা ।

অ	৩ ৩ ৩	ঙ	৩ ৩
ঈ	৩ ৩	ঐ	৩ ৩
উ	৩ ৩	ত	৩ ৩ ৩ ৩ ৩
এ	৩ ৩ ৩	থ	৩ ৩
ও	৩	দ	৩ ৩ ৩ ৩
অং	৩	ধ	৩ ৩
ক	৩ ৩	ন	৩ ৩ ৩ ৩
খ	৩ ৩	প	৩ ৩ ৩
গ	৩ ৩	ফ	৩ ৩
ঘ	৩ ৩	ব	৩ ৩ ৩
চ	৩ ৩ ৩	ভ	৩ ৩
ছ	৩ ৩	ম	৩ ৩ ৩ ৩ ৩
জ	৩ ৩ ৩	য	৩ ৩
ঝ	৩	র	৩ ৩ ৩
ঞ	৩ ৩ ৩	ল	৩ ৩
ট	৩ ৩ ৩	ব	৩ ৩
ঠ	৩ ৩ ৩	শ	৩ ৩ ৩
ড	৩ ৩	ষ	৩ ৩
		স	৩ ৩ ৩ ৩

১০ম চিত্র—খরোষ্ঠী বর্ণমালা ।

ইকার - কি 𑌕 𑌖 𑌗 𑌘
চি 𑌙 𑌚 𑌛 𑌜 𑌝 𑌞 𑌟
উকার - 𑌡 𑌢 𑌣 𑌤 𑌥 𑌦
যু 𑌧 𑌨 𑌩 𑌪 𑌫
একার - 𑌬 𑌭 𑌮 𑌯 𑌰 𑌱
দে 𑌲 𑌳 𑌴 𑌵 𑌶
ওকার - 𑌷 𑌸 𑌹 𑌺 𑌻 𑌼
যো 𑌽 𑌾 𑌿
অনুস্বার - 𑌿𑌶 𑌿𑌷 𑌿𑌸 𑌿𑌹 𑌿𑌺 𑌿𑌻
বফলা - 𑌿𑌴 𑌿𑌵 𑌿𑌶 𑌿𑌷 𑌿𑌸 𑌿𑌹
𑌿𑌺 𑌿𑌻 𑌿𑌼
যফলা - 𑌿𑌶 𑌿𑌷 𑌿𑌸 𑌿𑌹 𑌿𑌺
𑌿𑌻 𑌿𑌼 𑌿𑌽

১১শ চিত্র—দক্ষিণী দুইটী লিপির উৎপত্তি।

আক্ষরী।	কান্নড়ী।	গুজ।
অ ং	সুপ্রুপ্রু	সুশুশুশু
ই ং	সুপ্রুপ্রু	সুশুশুশু
ঐ ং	সুপ্রুপ্রু	সুশুশুশু
এ ং	ওদওদ	ওদুদুদু
উ ং	উদউদ	উদুদুদু
ক +	ক ক ক ক	ক ক ক ক
খ ং	ক ক ক ক	ক ক ক ক
গ ং	গ গ গ গ	গ গ গ গ
ঘ ং	ঘ ঘ ঘ ঘ	ঘ ঘ ঘ ঘ
ঙ ং	ঙ ঙ ঙ	ঙ ঙ ঙ
চ ং	চ চ চ চ	চ চ চ চ
ছ ং	ছ ছ ছ ছ	ছ ছ ছ ছ
জ ং	জ জ জ জ	জ জ জ জ
ঝ ং	ঝ ঝ ঝ ঝ	ঝ ঝ ঝ ঝ
ঞ ং	ঞ ঞ ঞ ঞ	ঞ ঞ ঞ ঞ
ট ং	ট ট ট ট	ট ট ট ট
ঠ ং	ঠ ঠ ঠ ঠ	ঠ ঠ ঠ ঠ
ড ং	ড ড ড ড	ড ড ড ড
ঢ ং	ঢ ঢ ঢ ঢ	ঢ ঢ ঢ ঢ
ণ ং	ণ ণ ণ ণ	ণ ণ ণ ণ

১২শ চিত্র—ফিনিসীয়, মোয়াবীয় ও ব্রাহ্মী বর্ণমালার তুলনা ।

সেমেটিক অক্ষরের নাম ও উচ্চারণ ।	প্রাচীন ফিনিসীয় অক্ষর ।	মোয়াবদের অক্ষর ।	ব্রাহ্মী অক্ষর ।
আলেক্(অ)	𐤀	𐤁	𑀀
বেথ্(ব)	𐤁	𐤂	𑀁
গিমন্(গ)	𐤂	𐤃	𑀂
দালেথ্(দ)	𐤃	𐤄	𑀃
হে(হ)	𐤄	𐤅	𑀄
বাত্(ব)	𐤅	𐤆	𑀅
জাইন্(জ)	𐤆	𐤇	𑀆
হেথ্(হ)	𐤇	𐤈	𑀇
ভেস্(ভ)	𐤈	𐤉	𑀈
থোদ্(থ)	𐤉	𐤊	𑀉
কফ্(ক)	𐤊	𐤋	𑀊
লামেদ্(ল)	𐤋	𐤌	𑀋
মেস্(ম)	𐤌	𐤍	𑀌
নূন্(ন)	𐤍	𐤎	𑀍
সামেথ্(স)	𐤎	𐤏	𑀎
আইন্(এ)	𐤏	𐤐	𑀏
পে(প)	𐤐	𐤑	𑀐
সাদে(সে)	𐤑	𐤒	𑀑
কাফ্(ক)	𐤒	𐤓	𑀒
বেথ্(ব)	𐤓	𐤔	𑀓
শীন্(শ)	𐤔	𐤕	𑀔
তাত্(ত)	𐤕	𐤖	𑀕

উড়িয়া শିଖাশাস্ত୍ର

ভূমিকা

(“নব্যভারত”, ফাল্গুন, ১৩৩০ হইতে পুনর্মুদ্রিত)

শিল্পশাস্ত্র বলিলে সাধারণতঃ যত বড় জিনিষ বুঝায়, অবশ্য আমরা তাহার সকল দিকের কথা বলিতেছি না। কেবল শিল্পশাস্ত্র নাম দিয়া উড়িয়ায় যে সকল স্থাপত্যের সম্বন্ধে তালপাতায় লেখা পুঁথি পাওয়া যায়, তাহারই সামান্য পরিচয় সকলের সামনে আনিতে ইচ্ছা করি।

সকলেই জানেন যে ভারতবর্ষের মধ্যে যদি কাহারও নিজের মন্দির রচনাও বিশেষ রীতি বলিয়া কিছু থাকে, তবে সে দাক্ষিণাত্য ও উড়িয়া। উড়িয়ায় যে সব উৎসর্কার কারবাণ্ডে মণ্ডিত মন্দির এখন পর্য্যন্ত টিকিয়া আছে, তাহাদের দোখিলে স্বতঃই মনে হয় এই সকল মন্দির যাহারা নির্মাণ করিয়াছেন, তাহাদের বিজ্ঞা আজ কোথায়? তাহাদের কি কোন বংশধর এখনও বাচিয়া নাই? সে বংশধরেরা বাচিয়া আছে, কিন্তু উৎসাহাতার অভাব সত্ত্বেও তাহারা আজও যতটুকু বিজ্ঞা বাচাইয়া রাখিয়াছে, তাহাতেই বহু আশ্চর্যান্বিত হইবার কথা। তাহারা বাপ পিতামহের কাছে বসিয়া যেমন করিয়া বাটালি চালাইতে শিখিয়াছে, তেমনি করিয়াই নিজের সন্তানদের সামান্যভাবে বিজ্ঞা শিখাইয়া শিল্পের ক্ষণ দীপশিখা এখনও জ্বালাইয়া রাখিয়াছে। পুরীতে প্রায় ৩০ ঘরালার বাস, ভূবনেশ্বরে মাত্র ২ ঘর, যাজপুরেতে ঐক্য, কেবল উড়িয়ায় গড়জাতমহলে শুনা যায় এখনও অনেক শিল্পী পরিবার রাজাদের আশ্রয়ে বাস করিতেছে। ইহাদের প্রায় প্রত্যেকের বাড়ীতেই একখানি দুইখানি করিয়া শিল্পশাস্ত্রের সম্বন্ধে তালপাতায় লেখা পুঁথি আছে। সেগুলি তাহারা পড়ে না, অথবা পড়িলে বুঝিতে পারে না, এবং কাহাকেও দেখাইতে চাহে না। সন্ধান করিলে দেখা যায় তাহাদের পূর্বপুরুষেরা কাঠের সিন্দুক, মাটির ভিতর গর্ত করিয়া শাস্ত্র লুকাইয়া রাখিত। কিন্তু ঐ লুকানোরই দোষে অনেক পুঁথি বর্ষা লাগিয়া, উইএর অত্যাচারে তালপাতার কুচিতে শেষ হইয়াছে। এখনকার শিক্ষার বিস্তার শিল্পীদের মধ্যে পৌছে নাই, তবু তাহাদের ভাল করিয়া বুঝাইলে, তাহাদের সঙ্গে মিশিলে, সকলের উপর তাহাদের বাস্তবিক ভালবাসিলে, তাহারা এই সকল শাস্ত্র দেখিতে ও পড়িতে দেয় এবং সাধ্যমত নিজেদের বিজ্ঞা দিয়া সাহায্য করিতে চেষ্টা করে। এমনি করিয়া তিনখানি পুঁথি সংগ্রহ করা হইয়াছে।

সকল পুঁথিই নানা দোষে বুঝা হ্রস্ব হইয়া উঠিয়াছে। যতদূর ধরিতে পারিয়াছি পূর্বে শিল্পীরা মুখে মুখে শাস্ত্র রাখিত, অর্থাৎ বাপ তাহার ছেলেকে নিজের মুখস্থ শাস্ত্র মুখস্থ করাইলেন, এবং তাহার ফলে সংস্কৃত শ্রোকে তাহারা প্রত্যেকে এক এক অস্বস্ত প্রমাদ আনিয়াছে, কিন্তু এই সংস্কৃত শব্দের খিচুড়ীর অর্থ ঠিকমতই দিয়াছে। যে জায়গায় অর্থ

ভুলিয়াছে, সে জায়গায় ভুল অর্থ দিতে গিয়া অনর্থ ঘটাইয়াছে। যে সকল শাস্ত্রোপদেশের প্রচলন নাই, সেগুলির অর্থও সহজে বিকৃত হইয়া গিয়াছে। ইহার উপর বিষয়বিশ্বাসেও নানা দোষ আছে। একই কথা অন্ততঃ ৩৪ জায়গায়, একই মন্দিরের বর্ণনা অন্ততঃ ৫১৬ পাতায় করা হইয়াছে। এক এক জায়গায় একটি পাক্যের মধ্যে অল্প বিষয়ের 'তই তিন পদ প্রবেশ করিয়া গোলমাল বাড়াইয়াছে। পুঁথিগুলির প্রত্যেকটির বিশ্লেষণ ধীরভাবে করিয়া পরস্পরের সহিত তুলনা করিয়া অনেক স্থলে মানে বাহির করিতে পারিয়াছি, কোন কোন জায়গায় পারি নাই। যে সকল স্থানে মন্দিরের বিভাগবর্ণনা আছে বা মাপের কথা লেখা আছে সেখানে চিত্রের একান্ত অভাবে কিছু বুঝা হুক্ষর। শিল্পীদের জানা, সকলক্ৰম সংগ্রহ করার পর দেখা যায়, শিল্পশাস্ত্র বোঝা সহজ হয়, কিন্তু সে নাম ছাড়া আরও বহু নাম শাস্ত্রে আছে, বাহাদের অর্থ এখনও বুঝি নাই। এই সকল প্রমাদ সত্ত্বেও পুঁথিগুলির মধ্যে যাহা বুঝা যায়, তাহার বর্ণনা এইবার করা যাইবে।

প্রথমেই ভূমির জাতিভেদ। মানুষের মত ভূমিও চারিভাজী। ব্রাহ্মণ ভূমির বর্ণ খেত, গন্ধ ঘূতের মত ও আবাদ কষায়। এইরূপে অগ্ন্যাবর্ণ, গন্ধ ও আবাদ দিয়া অগ্ন্যাবর্ণ জাতীয় ভূমি চিনিবার বিধি দেখা যায়। ইহা ছাড়া আরও দুইটা পরীক্ষা দেখা যায়। কিছু জমি হাল দিয়া চষাইয়া তিন বুনিতে হয়। যদি এ রাজের পর তিলের চারা উঠে তবে তাহা ব্রাহ্মণভূমি, যদি চার রাজের পর উঠে তবে তাহা ক্ষত্রিয় ভূমি ইত্যাদি। অপরটিকে সম্পূর্ণরূপে পরীক্ষা বলা চলে না। জমিতে এক হাত গর্ত খুঁড়িয়া তাহার মধ্যে প্রদীপ রাখিয়া তাহা কেমন জলে তাহা দেখিয়া শুভাশুভ জানিতে হইবে।

এই ত' গেল জমির পরীক্ষা। ইহার পর ঘর বা মন্দির করিবার জ্ঞান প্রথমে যখন হুতা ফেলা হয়, তখন অনেকগুলি বিষয় লক্ষ্য করিতে হইবে। যদি সে সময়ে চোখে আগুন পড়ে, বা কেহ মুখ ভেঙে যায় সে বাড়ী করিবে না। এই রকম বহু আদেশ উপদেশ দেখা যায়। ইহার পর কতকগুলি অল্প কষিয়া মানুষের জন্মরাশি প্রভৃতির মত বাড়ীর নক্ষত্র, আয়, ব্যয় সব গণনা করিতে হয়। যদি গণনাকারের মতে সে বাড়ী শুভ হয়, তখন কাজ আরম্ভ হইবে।

শুভসমস্ত পুঁতিবার সময়ে যে সব পূজা করিতে হয়, যে সকল প্রত্যাশী ব্রাহ্মণ, জ্যোতিষী প্রভৃতিকে দানদক্ষিণা দিতে হয়, তাহার বিশদ বর্ণনা আছে। আমাদের বড় বড় বাড়ী তৈয়ারীতে আজকাল যেমন কোনও বড় লোক আসিয়া foundation stone পাতিয়া যান, তখনকার দিনে বিধি কিন্তু অল্পরকম ছিল। শুভসমস্ত যে গর্তে পুঁতিতে হইবে, তাহাকে পরিষ্কার করিয়া রাখা হইত। তাহার পর একখানি পাথরের (৮ আঙ্গুল × ৮ আ × ৮ আ) উপর অষ্ট-দল পদ্মফুল ও মধ্যে কেশর আঁকা হইত। এই পাথরখানিকে এমন করিয়া বসান হইত যেন আট পাপড়ি ঠিক আটদিকেই সমান থাকে। তাহার উপর শুভসমস্ত বসাইয়া গৃহের কার্যারম্ভ হইত।

এইবার মন্দিরনিৰ্ম্মাণসম্বন্ধীয় পুঁথিগুলিতে কতকগুলি units of measurement পাই। তাহার পর কয়েকটি মাপিবার যন্ত্রের বর্ণনা আছে। কিন্তু পরিষ্কার চিত্র না থাকায়,

এবং এখনকার শিল্পীদের ঘরে তেমন যত্ন না থাকায়, তাহাদেব প্রকৃত আকৃতি এখনও পুষা বুঝি নাই। ইহার পর হইতে দুইটা পুঁথিতে মন্দিরের বিষয় বিস্তৃত বর্ণনা আছে এবং এক-খানিতে বাস্তববাড়ী (চালাবর) তৈয়ারী সম্বন্ধে বর্ণনা আছে। মন্দিরের জাতিবিভাগ (classification) প্রভৃতির সম্বন্ধে ভবিষ্যতে আলোচনা করিবার ইচ্ছা রহিল।

মন্দির বা গৃহনিৰ্মাণ শেষ হইলে তাহার চারিদিকে কোন্ কোন্ বৃক্ষ পুঁথিতে হইবে তাহার বর্ণনা দেখা যায়। এ বিষয়টি অনেকের জানিতে ইচ্ছা থাকা সম্ভব ভাবিয়া এইখানে তুলিয়া দিলাম। “বেল, ডালিম, কেশর, কাঁঠাল, নারিকেল, পুরাগ, সরল, লবঙ্গ, চাপাফুল, নারঙ্গ, মালতী, মল্লিকা, মন্দার, কুন্দ, কানোদ, এই সকল পাঁচ গৃহের আবরণের ভিতর থাকা শুভ। তাহা হইলে আরোগ্য ও ধনপুঞ্জলাভ হয়।” বাড়ীর কোনদিকে কোনগাছ পুঁথিতে নাই তাহার তালিকা—পূর্বদিকে অশ্বথ, অগ্নিকোণে শ্রীরবুক্ষ, দক্ষিণে পলাশ, নৈঋতে কণ্টকী, পশ্চিমে বট, বায়ুকোণে শিমুল, উত্তরে ডুমুর, ও ঈশানকোণে রক্তপুষ্প। এইরূপে বাড়ীর কোনদিকে জলাশয় থাকিলে কিরূপ শুভাশুভ ফল হইবে তাহারও বর্ণনা আছে।

এই সকল কথা বর্ণনা করার পর কেবল একখানি পুঁথিতে দেখা যায় রাজ্য কি কি ক্রিয়ায় সহিত মন্দিরের প্রতিষ্ঠা করিবেন। তাহার পক্ষে কাহাকে কত দান দক্ষিণা দিতে হইবে, পূজায় ব্যবহৃত কতসংকে পাইবে, বস্ত্র কে পাইবে এই সব বিষয়ের বর্ণনা দেখা যায়।

মোটামুটি এই সামান্য বিবরণ হইতে বুঝা যাইবে যে উড়িষ্যা মন্দির নির্মাণ সম্বন্ধে বিশদ শাস্ত্র ছিল, তাহারই বিক্ষিপ্ত ও ছিন্ন ভিন্ন অংশ আমাদের হাতে আজ পড়িয়াছে। একখানি পুঁথিতে দেখলাম “ইতি—নৈমিষারণো ভুবনপ্রদাপে বিসক্রমা মুনিরসম্বাদ প্রসাদ লক্ষণ।” অপর একখানিতে পাই “ইতি—শ্রীনউমসারণ্যে ভুবনপ্রবেসে বিশ্বকামমুনিসম্বাদে।” দুই খানি পুঁথিই এক, কেননা প্রায় সকল শ্লোকই বিকৃতরূপ ধরিলেও মূলতঃ এক বলিয়া নোনা যায়। একখানিতে যত বিষয় আছে, অন্যখানিতে ঠিক তাহা সব নাই, তবে আরও অল্প কিছু আছে। এই যে মূল পুঁথি ‘ভুবনপ্রদাপ বা ভুবনপ্রবেশ ইহার সন্ধানের প্রয়োজন আছে। তাহা না পাইলেও সন্ধান করিতে করিতে ভুবনপ্রদীপের আর কোন সংস্করণ পাইলেও আমরা মূল পুস্তকের আরও কাছে পৌঁছিব।

যে পুঁথিগুলি সংগ্ৰহ হইয়াছে, তাহার কোনটিতে মূল শিলাশ্বের তারিখ জানিবার উপায় নাই। তৃতীয় পুঁথিখানি অল্পদিন হইল লেখা হইয়াছে, তাহা বাহার নিকটে পাইয়াছি, সে নিজে পুরাণ বই হইতে অল্পদিন হইল এই নকলগাঁন করাইয়া লইয়াছে। বাকি দুইখানি (অর্থাৎ যে গুলিতে উড়িয়া মন্দিরের বর্ণনা আছে) কতদিনের পুরাণ জানি না। শিল্পীরাও জানে না; তবে ভাষা এখনকার মত, অক্ষরও তাই, সেদিক দিয়া কিছু বুঝা যায় না। “ভুবন প্রদাপের” কয়েকটা পদের অর্থ বুঝি নাই, তবে সন্দেহ হইয়াছে যে তাহাতে কেশরী বংশের উল্লেখ আছে। উহাতে উল্লিখিত পুরন্দর কি কেশরীবংশীয় পুরন্দরের নাম? অথবা এই শব্দ ঐতি অর্থে ব্যবহৃত হইয়াছে?

“তদন্তরে মুণ্ডগৰ্ভ। দাতিশ্চ বিস্তর। মধ্যস্তন্তগহাৰক। পাশেন ত্রিভিন্তজম্। উক্ষ্যৰ্গ
মুণ্ডপ তস্তা। স্তকনিকম সমদত। সমুরপূৰ্ণকোশল। নাগকস্তা তথৈবচ। দিগপালা
কেশরিচস্ত্র। বিড়িকশ্চ ভামিত। ব্রহ্মশ্লোক। ব্রহ্মোবাচ। মবচন ক্ষুদ্রশ্লিপি। নিচে
কথস্তিপি যক্ষ। যক্ষ হুস্ত পুরন্দর। ১১।” ইত্যাদি (৭৫ পৃঃ)”

এই কয় পদের প্রথম ভাগে (তদন্তরে...তথৈবচ) মুণ্ডগর্ভের কথা বলা হইতেছে।
‘নাগকস্তা’ একরকম অলঙ্কারের নাম। কিন্তু তাহার পর হঠাৎ যে পদগুলি বিক্ষিপ্ত হইয়াছে,
তাহাদের অর্থ বুঝিবার উপায় নাই। ‘১১’ সংখ্যার অর্থ কি ? তাণ্ডী শ্লোকের সংখ্যা নয়,
কেননা পূর্বে এমন কোনো শ্লোকের সংখ্যা নাই যাহার দ্বিতীয় ইহার মিলে। তাহার পরই
আবার অল্প বিষয়ের অবতারণা করা হইয়াছে।

পূর্বে যে সন্দেহের কথা বলিয়াছি তাহা সত্য হইলে শিল্পশাস্ত্র যে কেশরীবংশের আমল
হইতে আকার ধারণ করিয়াছিল এইটুকু মাত্র প্রমাণ হয়। আর কিছু না।

শিল্পশাস্ত্রের সম্বন্ধে অনেক গবেষণার প্রয়োজন আছে। শিল্পীরা অঙ্গবস্ত্রের অভাবে
বিচার দিকে নজর দিতে পারে না। তাহাদের গালাগালি দিলে চলিবে না। তাহাদের
মধ্যে যাহারা কোনও বড় মন্দির বা তাহার প্রতিকৃতি তৈয়ারী করিয়াছে, অর্থাৎ যাহারা
‘অজুভবী’, তাহাদের সঙ্গে মিশিয়া যতদূর পারা যায় শিল্পশাস্ত্র জ্ঞায়ত্ত করিয়া, বিভিন্ন পুঁথি
পড়িয়া স্থাপত্যবিচার পুনরুদ্ধার করিতে হইবে। ভারতবর্ষের বিশিষ্ট বিদ্যা একে একে
লোপ পাইয়াছে। তাহাতে ত’ আমাদের নান পর্য্যন্ত ডুবিতে বসিয়াছে। যাহা এখনও
উদ্ধার হয়, তাহা আমাদের উৎসাহের অভাবে হয়ত ৫০ বৎসর পরে একেবারে লোপ
পাইবে।

ত্ৰিনিধি কুমার বসু

ভূমির জাতিভেদ

• (ক) এবে ব্রহ্মক্ষেত্রী বৈশ্ব শূদ্র চারি জাতি জানিমা ॥ ভূমি ষাড়া বা ॥ সেতবর্ণ ব্রহ্মাণ ভূমি ॥ লোহিত বর্ণ ক্ষেত্রিয় স্ত্রী ॥ পীতবর্ণ তবে বৈশ্ব ॥ শূদ্রা চ কৃষ্ণ বর্ণিকা । অর্থ—বায়ুন ভূমি খেত, ক্ষেত্রিয় ভূমি রকত, বৈশ্ব ভূমি পীত, শূদ্র ভূমি কলা । এমন্তে ভূমি চিনহি ন পারিলে পাখিলে জাণিম । কষা বামন ভূমি, ক্ষেত্রীয় পীত তথা । আছিল বৈশ্ব জাতিনা শূদ্রানি মধুকশতে । ৫। অর্থ ব্রাহ্মণ ভূমি কষা । ক্ষেত্রিয়ভূমি পীতা । বৈশ্বভূমি আছিল । শূদ্রভূমি মধুর ॥..... ॥ মাটীবর্ণ চাখি ন পারিলে গন্ধ শুংঘি জানিমা । ৫। অদা গন্ধে তবে ব্রহ্ম রজগন্ধেন ক্ষেত্রিয়া : খারগন্ধে তবে বৈশ্ব শূদ্রাধি বিষ্ঠাগন্ধিকা । অর্থ । ব্রহ্মভূমি অদাগন্ধ বৈশ্ব . ক্ষেত্রিয় ভূমি গোরজ গন্ধ । বৈশ্বভূমি লুণ্ণগন্ধ । শূদ্রভূমি বিষ্ঠাগন্ধ । গন্ধ হানে যদাভূমি গোলক পরিবর্জয়েত । ভ্রময়েত হলতত । যো চিনস্তি বিদোমা । গন্ধবে ভূমি বা চিনহি না পারিলে হল চষাই তিল বুনিবা । সোয়ভূমি ব্রাহ্মণ কুজা । ক্ষেত্রিয় গৃহ মাখ্যাতি । ফচরাতে তবে বৈশ্ব । সড়মে শূদ্রমেবচ । অর্থ—তিল য়েবে তিনিরাত্রে উঠই, সে ভূমি ব্রহ্মজাতি । তিল য়েবে চারি রাতে উঠই সে ভূমি ক্ষেত্রী জাতি । তিল য়েবে পঞ্চরাতে উঠই । সে ভূমি বৈশ্বজাতি তিলযেবে ছরাতে উঠই সে ভূমি শূদ্রজাতি । (২, ৩, ৪ পৃঃ)

(খ) সেতবর্ণ ব্রহ্মসিব রক্তবর্ণ ক্ষত্রিয় । শামল বৈশ্বমো সৈব্য । হুদ্রাধি কৃষ্ণবর্ণিকা ।

(১ পৃঃ)

এবে চারি ষাড়া ভূমি যাণিমা । ঋসিরোবাচঃ । সেতবর্ণ ব্রাহ্মণ চৈব । রক্তবর্ণ ক্ষত্রিয়স্ত স্তথাঃ । পিতবর্ণ তবে বশ্ব । শুদ্রাদি কৃষ্ণবর্ণিকাঃ । অর্থ । ব্রাহ্মণভূমি সেতবর্ণ দিসঙ্গি । ক্ষত্রিয়ভূমি রক্তবর্ণ দীসঙ্গি । বস ষাড়া পীতবর্ণ দিসঙ্গি । শুদ্রাধাতী কৃষ্ণবর্ণ দিসঙ্গি এমন্তে ভূমি চিন্হি যানিলে । চাখি করি যানিমা । কসায় ব্রাহ্মণ ভূমি । ক্ষত্রিয় পিতকোন্তথাঃ । আছিলঃ বস ষাতীনাং । শুদ্রাধি মন্তকোন্তথাঃ । অর্থঃ । ব্রহ্মযাতী ভূমি কস লাগঙ্গি । ক্ষত্রিয়ভূমি পিতা লাগঙ্গি । বসভূমি আছিল লাগঙ্গি । শূদ্রাধাতীভূমি মন্তপ্রোত্র লাগঙ্গি ৫। মাটি চাখি ন যানিলে অপ্রাণ করি যাণিমা । অদা গন্ধে তবে ব্রহ্ম । রজগন্ধ ক্ষত্রিয়স্তথা । খার গন্ধ তবে বশ্ব । শুদ্রা ঋমিস গন্ধকং । গন্ধভূমি বারি ন পারিলে হল চষাই তিল বুণ্ঠবা । শ্লোকঃ । জয়োরাত্রে ব্রাহ্মজ্ঞং ভূমি । ক্ষতীরো প্রোহোম্য যতী । পঞ্চরাত্রে তবে বস । সড় রাতে শুদ্রমেবচ । অর্থঃ । তীল য়েবে ত্রিয়ারাত্রে উঠ সে ব্রহ্মযাতী ভূমি বোণী যাণিমা । চারি রাতে উঠিলে ক্ষত্রিয় ভূমি যাণিম । পঞ্চরাত্রে উঠিলে

* (ক) চিহ্নিত অংশ 'ভূবন প্রদীপ' পুঁথি দুইতে উদ্ধৃত

(খ) চিহ্নিত অংশ 'ভূবনপ্রবেশ' হইতে উদ্ধৃত

বস বোলা যাগিমা। সডরাজে উঠলে শুভ্রবোলা যাগিমা।.....। মলরাজে রেবে ভোল উঠে সে পিচাস ভূমি বোলা যাগীম তহী কেহীন রহিব:। (৩৬, ৩৭, ৩৮)

(গ) ব্রহ্মক্ষেত্রীয় বসশুভ্রঃ শুক্রারক্তা পিতৃষে। কৃষ্ণবর্ণ চ ক্রেশ্ণা অতৈব বাস্ত লক্ষণ ॥ অর্থ। ব্রাহ্মণ বাস্তভূমি শুক্রবর্ণ। ক্ষত্র যাতি ভূমি রক্তবর্ণ। বসযাতিভূমি পিতৃবর্ণ। শুভ্রযাতি ভূমি কৃষ্ণবর্ণ। কশায়া ব্রহ্মণভূমি। অশ্বিলা ক্ষেত্রীয়স্তথা। তিত্ত বৈস সমাক্ষাতা মধুর শুভ্রমেবচ। অর্থ। ব্রাহ্মণ ভূমি কশা। ক্ষত্রীয়ভূমি অশ্বিল। বৈশ্য ভূমি পিতা। শুভ্রভূমি মধুর। যুত গন্ধোভবেৎ ব্রহ্ম রক্তগন্ধাপি বাহুজা। কায়গন্ধাভবে বৈশ্য শুভ্র বিষ্ঠামুগন্ধিকা। অর্থ। ব্রহ্মযাতি ভূমি অশ্বগন্ধ। ক্ষত্রীয় যাতি ভূমি রক্তগন্ধ। বসযাতিভূমি মুরাগন্ধ। শুভ্র যাতি ভূমি বিষ্ঠাগন্ধ। স্বাদেন লভতে যত্র গন্ধ তত্র বিনৌর্দিশেত। অর্থ। ভূমিরে তিল বৃণিম সাবিত্রী মন্ত্রে। এহ। সমভূমি করিব। ত্রিরাত্রকভবেৎ পত্রং ব্রহ্মেশ্বর প্রকীর্তিতাঃ। ক্ষত্রিয়ং পঞ্চরাত্রাণি বৈশ্যা সপ্তভিত্তথা নবমো শুভ্রবিখ্যাতো। এবং ভূমি পরীক্ষিতা। বাস্তভূমি চতুরশ্র করি লঙ্গলে চষাইব। সাবিত্রী মন্ত্রেণ করি।

(ঘ) ব্রাহ্মণা ক্ষত্রিয়া বৈশ্যা শুদ্রা ভূমি শচুভিধা।

শুক্রা রক্তা তথা পীতা কৃষ্ণা বর্ণে রতি ক্রমাৎ ॥

অজা গন্ধা ব্রহ্মভূমি রজোগন্ধা চ ক্ষত্রিয়া।

কায় গন্ধা ভবেদ্ বৈশ্যা শুদ্রা পুরীষগন্ধজা ॥

কশায়া ব্রাহ্মণা ত্ববিষ্মা চ ক্ষত্রিয়া তথা।

বৈশ্যা খ্যাভা তথা তিত্তা মধুরা শুভ্র জাতিজা ॥

তিলানাং বপনে তত্র জাতব্যা ভূমিজাতরঃ।

ত্রিরাত্রেনাঙ্কুরো যত্র ব্রহ্মজাতি প্রকীর্তিতা ॥

ক্ষত্রিয়া পঞ্চতিরাত্রৈ বৈশ্যা স্রাং সপ্তভিত্তথা।

নবরাত্রৈ চ শুদ্রায়া অঙ্কুরো জায়তে প্রবং ॥

নোট—

(ক) ও (খ) উভয়ে পুরাণ পুঁথি। (গ) জাতি অল্প দিন লেখা হইয়াছে। (ঘ) এর উপর পণ্ডিতের হাত খুব চলিয়াছে। অতএব আমরা নূতন পুঁথির সাহায্যে পুরাণ গুলি বৃথিতে চেষ্টা করিব এবং যেখানে নূতন ও পুরাতন বিরোধ দেখিব, সেখানে পুরাতন মতই লইব, কেননা এই সকল প্রথা আজকাল চলতি নহে এবং পুরাতন পুঁথিকে বৃথিতে গিয়া পণ্ডিতেরা অনেক জায়গায় সুবিধামত মানে করিয়া লইয়াছেন। নূতন বহিতে যদি এমন কিছু পাওয়া যায়, যাঁহা পুরাতনের বিরুদ্ধ নহে, অথবা তাহাতে নাই, তবে অনুবাদে মধ্যে তাহাও রাখা হইবে।

গন্ধের বিচারে অদা, অজা ও যুত ও অথ শব্দ ব্রাহ্মণ ভূমির ষোলার পাওয়া যাইতেছে। “বাস্ত নিষ্ঠা” (ত্রিবাঙ্কুড়) পুস্তক অনুসারে ব্রাহ্মণ ভূমি আজ (যুত) গন্ধ। এই অদা, অজা ও শব্দ আজ্য শব্দের রূপান্তর বলিয়াই মনে হয়। ক্ষত্রিয়ের রক্তগন্ধ কি মূলগন্ধ অথবা রক্তগন্ধ? শুভ্র ভূমি কেবল (খ) এর মতে আমিসগন্ধ।

আমাদের বিচারে শূদ্রভূমি 'মস্তকোঃ' 'মধুক' 'মধুর' দেখা যাইতেছে। মস্তক ঠাইই সকলের চেয়ে পুরাতন বলিয়া মনে হয়। বাকিগুলি তাহার অপভ্রংশ বলিয়া ধরা যায়।

বর্ণের বিচারে কোনও গোলযোগ নাই। কেবল খ (১ পৃঃ) বৈশ্বের বেলার গোলযোগ আছে ৩৬ পৃঃ তাহা ঠিক হইয়া গিয়াছে।

তিলের বোনার বর্ণনায় (ক) ও (খ) এ ৩৪।৫৬ দিনে চারা উঠিলে তাহা যথাক্রমে ব্রাহ্মণ, ক্ষত্রিয়, বৈশ্ব ও শূদ্র হইল। কিন্তু (গ) ও (ঘ) অনুসারে ৩৫।৭২ দিনে চারা উঠার কথা আছে। এ পরীক্ষা বাস্তবিক কাজের কথা হইলে কেন যে ৪৬।৮ দিনে তিলের চারা উঠিবে না তাহা বুঝা যায় না। অতএব এখানে পুরাতন মতই রাখা গেল।

অনুবাদ—

ব্রাহ্মণ জাতীয় ভূমি শুক্লবর্ণ, ঘৃতগন্ধ ও কবায় আশ্বাদযুক্ত।

ক্ষত্রিয় জাতীয় ভূমি রক্তবর্ণ, রজোগন্ধ ও তিক্ত আশ্বাদযুক্ত।

বৈশ্ব জাতীয় ভূমি পীতবর্ণ কারগন্ধ ও অন্ন আশ্বাদযুক্ত।

শূদ্র জাতীয় ভূমি কৃষ্ণবর্ণ বিষ্ঠাগন্ধ ও মস্তুর আশ্বাদযুক্ত।

এরূপে ভূমি চিনিতে না পারিলে অন্ন পরিমাণ ভূমি সমান করিয়া হাল দিয়া চষাইবে। চষানর পর তাহাতে তিল বুনিবে। তিলের চারা ৩ রাত্রি পরে উঠিলে সে জমি ব্রাহ্মণ জাতীয় ভূমি ৪, ৫ ও ৬ রাত্রি পরে উঠিলে জমি যথাক্রমে অন্ত্রাত্ত জাতীয় হইবে। যদি তিলের চারা ৭ রাত্রির পরে উঠে, সে জমি পিশাচ জাতীয়, তাহাতে মানুষের থাকা উচিত নহে।

কোন জাতীয় মানুষের পক্ষে কোন জাতীয় ভূমি প্রশস্ত

(ক) বিপ্রস চতুভূমি। ক্ষত্রিয় তিতি স্মৃত।

বৈশ্ব দুর্গামাশয়ঃ। শূদ্রসকা প্রকৃতিতাঃ॥

ব্রাহ্মণ জসদা ভূমি। ক্ষত্রিয় গৃহমাখ্যাতি।

সে তে নিধনে যাস্তি ॥ জর্থ—কৃতব্রজশ্রী। ক্ষত্রিয় স বদা ভূমি বৈশ্বমাগৃহ মাখ্যাতি। স ততম্ মিধনং যাস্তি। ব্রজস্ব গৃহাময়। বৈশ্বসথা যদাভূমি শূদ্র গৃহামাসতি। সততং নিধনং যাস্তি। দ্রবাগিরি প্রবাএতে।

ব্রাহ্মণজাতি ভূমিরে ক্ষত্রি়াস ন করিব। বৈশ্বভূমিরে শূদ্র ন রহিব। রহিলে কি হোই। তির আগি তথৈবচ। (৫ পৃঃ)

(খ) ব্রাহ্মণসু জদা ভূমি ক্ষত্রি়স প্রিঅমীহতী। স ততো নীধনো যাস্তি। যদা গভী ব্রজশ্রী। ক্ষত্রি়স জদা ভূমী। বৈসুস প্রিঅমিহতী। সতয়ং নীধনে যাস্তি। ব্রজস্ব গৃহমাসমং। অর্থ। ক্ষত্রীঅ তীল যেনে ছ রাতে উঠই সে শূদ্রভূমি ওহী বঁস ন রহীব। ব্রজস্ব

যেবে তীল পাঞ্চ রাত্ররে উঠে। সে ভূমিরে ক্ষত্রিয় ন রহিব। তীল যেবে চারি রাজে উঠে। সে ভূমিরে ক্ষত্রিয় ন রহে।

(গ) স্বজাতি স্থখমাপোতি ব্রহ্মশু চতুৰ্ভূমৌ। ক্ষত্রিয়াং ত্রিভিঃশ্চ বৈশ্যশ্চ দ্বয়ভূমি চ। শূদ্রনামেক ভূমিশ্চ চতুর্কর্ণ বিধীয়তে। যে যাহার স্বজাতি ভূমিরে রহিলে সুখ প্রাপ্ত হোইব। ব্রাহ্মণ চারি জাতিয়ে রহিলে সুখী হোই। ক্ষত্রিয় তিনি জাতিয়ে রহিব। বৈশ্য দুই জাতিয়ে রহিব। শূদ্র তাহার জাতিবে রহিব ॥ শ্লোক ॥ জ্যৈষ্ঠশ্চৈব যদাভূমি বর্ণহীনুত্র যো নর। সোপি বাস্তু বিনাশস্ত গৃহমজম্বুক রোদিতৈ। অসার্থ—গৃহস্থ ভূমিরে যেবে ভূমি স্বর্ণ হোই গৃহস্থর বর্ণহীন হোই। সে ভূমিরে রহিলে সকালে শিয়াল বোবাই। বর্ণহীনে যদা ভূমি। বর্ণজ্যেষ্ঠস্ত যো নরঃ। সোপি বাস্তু প্রশস্ত। সুখী ভবন্তি মানবাঃ। ভূমিরে বর্ণহীন বর্ণ হেব গৃহস্থর শ্রেষ্ঠ বর্ণ হেব সে বাস্তুরে কুটুম্ব বচই, মনুষ্য সুখী ভবন্তি।

(ঘ) স্বজাত্যা স্থখমাপোতি-ব্রাহ্মণশু চতুৰ্ভূমিঃ।
ক্ষত্রিয়াণাং ত্রিভূমিঃ শ্রাদ্ধশ্চ দ্বয়ভূমিগঃ॥
শূদ্রাণামেক ভূমিশ্চ চতুর্জাতি বিধীয়তে ॥
ব্রহ্মজাতিং যদা ভূমিং লোভাদিচ্ছতি ক্ষত্রিয়ঃ।
সর্বৈ তে নিধনং যাস্তি শৈলা বজ্রহতা ইব ॥

নোট—(ক) (খ) অর্থ অতি আবহা বুঝা যায়। (গ) (ঘ) বুঝিতে কষ্ট নাই। যাহা বুঝা যায় তাহার সহিত প্রথম দুইটির বিরোধ নাই।

‘শৈলা বজ্রহতা ইব’—শৈলের উপর বাজ পড়িলে বিশেষ কিছু হয় বলিয়া মনে হয় না।

অনুবাদ—যে যাহার স্বজাতীয় ভূমিতে বাস করিলে সুখী হইবে।

কিন্তু ব্রাহ্মণ সকল জাতীয় ভূমিতে, ক্ষত্রিয় তিনজাতীয় ভূমিতে বৈশ্য ও শূদ্র দুই ও এক জাতীয় ভূমিতে বাস করিবে।

লোভ পরন্তু হইয়া নিজ বর্ণ হইতে উচ্চবর্ণের ভূমিতে বাস করিলে তাহার সর্বনাশ হয়। যেখানে সে ঘর করিবে সেখানে (বনে পরিণত হইয়া) প্রাতঃকালেও শিয়ালের ডাকে পূর্ণ হইবে।

সমান অথবা ‘নম্রবর্ণের ভূমিতে বাস করিলে মানুষ, কুটুম্ব ও পরিজনের সহিত সুখে বাস করিতে পারিবে।

শ্রেষ্ঠ নিবাসভূমির লক্ষণ

(ঘ) স্নিগ্ধা স্থিরা সুরভিগুণলতা সুগন্ধা।
সস্তা প্রদক্ষিণজলা চ নিবাসভূমিঃ ॥
নেষ্টা বিপর্যায়শ্চ কাচ-কর্করাস্থি।
বলীক কণ্টক বিভীতক-সংকুলা চ ॥

স্থির সুস্বাদু যে সুরভি। গুণলতায় হোই শোভা ॥

সুগন্ধযুক্ত হোই খিব। প্রশস্ত ভূমি দেখা যিব ॥

সে ভূমি চারিপাথে জল। ঘেরি খিব এ সুমঙ্গল ॥

এপরি স্থানে কলে ঘর। মঙ্গল ঘটই অপার ॥

এথিক হোই বিপরীত। কেশ বিষ্ণুর গোড়ি যুত ॥

বালি ছক বা খিব ঘাই। কণ্টকবণ ভয় পাই ॥

এপরি স্থানে কলে ঘর। ঘটই অনিষ্ট সম্বর ॥

অনুবাদ—স্থির, স্নিগ্ধ, সুরভি গুণমণ্ডিত, সুগন্ধযুক্ত, প্রশস্তভূমি, তাহার চারিদিকে জল ঘেরিয়া আছে, এমন স্থান বাসের জন্য শ্রেষ্ঠ। ইহার বিপরীত গুণযুক্ত ভূমি উত্তম নহে। কেশ, কঁকর, অস্থি, বালি ও কণ্টকে পূর্ণ স্থান ভয়ের কারণ। তাহা বাসের উপযোগী নয়।

দীপশিখা দিয়া ভূমির শুভাশুভ ফল পরীক্ষা

(গ) জাহ্নুমাতে ঋততে ভূমি দিকন্ত তিনি যোজয়েত নক্ষত্রকরণং কুর্যাৎ বহুজাৎ। অর্থ। ভূমি জাহ্নুমাত্রকসি খোলিব। দীপ গোটিএজালিব। তাঁহা ভিতরে বসাইব। ঘর জাক য়েবে দীপ দিসই তেবে ভাল। এতদর্থ কু যে দিসই মরণ হোই। বড় ক্ষীণ হোই জলিলে সে বাস্তরে গৃহস্থ নাশ পাই। শ্লোক। দীপশিখা বজ্রমস্তি প্রণমে দীপতোজ্জল ধর্ম অর্থ চিত্ততেতে দীর্ঘায়ুসমিক্রচ্যতে। দীপশিখা য়েবে বড় হোই জলট, প্রলম্বা বোইবে শরীর তিস্তি পড়ই তেবে সে ঘরে সম্পত্তি হোই। দীর্ঘায়ুস হোই।

(ঘ) বাস্তোর্মধ্যে তু বিবরণং কৃত্বা বাহুপ্রমাণতঃ ॥

দীপং তত্র স্থাপয়িত্ব চিন্তয়েত্তৎফলাদিকং ॥

ত্রীদা দীপশিখা ধূত্রা বৃদ্ধিঃ প্রাচীগতা ভবেৎ ॥

আগ্নেয়ে বেষ্মদাহঃ স্রাম্যে মৃত্যু ন সংশয়ঃ ॥

নৈঋতে চ ভবেদুৎখং বারুণ্যে ধননাশনং ।

বায়বো ব্যাধিগীড়া শ্রাত্তস্তরশাং চ সম্পদঃ ।















ঐশান্যে স্তব্ধবৃদ্ধিঃ স্রাদিত্যাশাভাগ নির্ণয়ঃ ॥ (৩—৪ পৃঃ)














নোট—পুরাণ পুথিতে এ সম্বন্ধে স্লোক নাই। এই যে গর্তটি করা হইল ইহা ভূমি পরীক্ষার সময়ে করা হয় না। শুভশুভ আরোপণ করার জন্য যে গর্ত খোঁড়া হয়, তাহার মধ্যে দীপ দিয়া এই পরীক্ষা করা হয়। ইহার মধ্যে জ্যোতিষতত্ত্ব মিশিয়া বাইলেও ভূমিকে এই উপায়ে পরীক্ষা করা বার বলিয়া এখানে দেওয়া হইল।






অনুবাদ—জমিতে জাহ্নুপ্রমাণ অথবা বাহুপ্রমাণ গর্ত করিয়া একটা দীপ জালিয়া তাহার ভিতর রাখিবে। যদি দীপের শিখা ক্ষীণ হইয়া জলে, তবে সে জমিতে ঘর করিলে গৃহস্থের মৃত্যু হইবে। কিন্তু যদি শিখা লম্বা হইয়া জলে তবে সে ঘরে সম্পত্তি হইবে ও গৃহস্থ দীর্ঘায়ু হইবে।

যদি দীপের শিখা ধূস্রবর্ণ হয়, তবে লক্ষ্মীলাভ হইবে। পূর্বদিকে শিখা হেলিয়া পড়িলে বুদ্ধি (ঐশ্বর্য্য ? অথবা বংশ ?), অগ্নিকোণে হইলে গৃহদাহ, দক্ষিণে মৃত্যু, নৈঋতকোণে ছঃধ, পশ্চিমে ধননাশ, বায়ুকোণে ব্যাধি, উত্তরে সম্পদ ও জ্ঞানকোণে স্বধবুদ্ধি হইয়া থাকে।

বাস্তু লক্ষণ

(ক) বাস্তু লক্ষণঃ—থাতর প্রবক্ষামি, গৃহ কার্য্যাণি বিনশ্বয়, যদাকাল শুভবিহা তদা ভুবনমাচরেৎ আয়াৎ ॥ চতুরঙ্গ  ॥ বৃত  ॥ ৭ ভদ্রাসনঃ  ॥ চক্রঃ  ॥ বিম্ববাড়ি  ॥ ত্রিকোণঃ  ॥ সবট্যাধিঃ  ॥ দণ্ড  ॥ প্রণবস্থান  ॥ ৫৫ ॥ মুছন্দক  ॥ বৃহস্পতি  ॥ বৃজন  ॥ কুমপৃষ্ঠ  ॥ ধনুস্বজ  ॥ (১ পূঃ)

(খ) বাস্তু লক্ষণ। অথতর প্রবক্ষামি। গৃহকার্যাদি সংসয়ঃ। যদৌ কুলং শুভং বহা। তদা ভুবনমাচরে। অর্থঃ। অথবা কল্পনা করি কী অবা গৃহকার্য্য করঙ্গ। যদি শুভবিভা করই। তথাপি যে টচ্ছা করঙ্গ। ভব যে গৃহ সে ক্ষমান করঙ্গ। যাহার যে বাস তাহা যাগিমা। আএচএ।  ॥ চতুরঙ্গ।  ॥ কৃত।  ॥ চক্র।  ॥ বিম্ববাড়ি।  ॥ ত্রিকোণ  ॥ সন্কট  ॥ দণ্ড  ॥ প্রলম্ব  ॥ মুছন্দ। হর্ম্যপিঠ।  ॥ বাজন  ॥ কুমপৃষ্ঠ  ॥ ধনর্য্য।  ॥

(গ) ষোড়শভূমিকা। শ্লোকঃ। আয়তন।  ॥ চতুশ্ৰেষ্ঠঃ  ॥ যত্র ভদ্রাসনঃ  ॥ চক্রঃ  ॥ বিসমবাহ  ॥ ত্রিকোণ ॥ শকটাকৃতি ॥ দণ্ড ॥ প্রণবস্থান ॥ সুরিক্ত ॥ বৃহস্পতি ॥ বাজন ॥ কুমপৃষ্ঠঃ ॥ ধনু ॥ স্বর্ঘ্যচক্রঃ ॥

(ঘ) আয়তং চতুরঙ্গং চ ছত্রং ভদ্রাসনং তথা।
চক্রং বিষমবাহঃ সাত্ত্রিকোণাং শকটাকৃতিং ॥
দণ্ডং চ প্রণবং মূর্ত্তিং গৃহদং বাজনং তথা।
কুমকং ধনুকাংকারং স্বর্ঘ্যকং চেতি ষোড়শঃ ॥

নোট—(ক) ও (খ) উত্তরে মোটামুটি মিল আছে। কিন্তু উভয়ে এত ভুল, যে অর্থ বাহির করা দুষ্কর। যতদূর ইহার মূল রূপ ধরিতে পারিলাম তাহা এইরূপ—অনন্তরং প্রবক্ষামি গৃহকার্য্যে = সংশয়—যদাকাল—শুভ—ভবতি ?—তদা—ভুবন বাচরেৎ।

“ভুবনমাচরেৎ” ইহার অর্থ কি ভুবন সম্পর্কীয় কার্য্য অর্থাৎ গৃহকার্য্য করিবে ?

অনুবাদ ?—অনন্তর গৃহকার্য্যে সংশয় বিনাশের জন্ত বাস্তু-লক্ষণ বলিতেছি। কাল শুভ হইলে গৃহকার্য্য করিবে।

ভূমির জাতিভেদ

ষোড়শপ্রকার ভূমির ফলাফল—

(ক) ষোড়শভূমি ষোড়শ প্রকারে গলা। কেবন ভূমিরে কেবন গুণ জানিবা ॥ ৩৪।
আয়তে সর্বসিধি ॥ চতুরশ্রে ধন আগম। ভদ্রাসনে কৃতার্থঃ। বৃতে পুট বিবৰ্দ্ধনঃ। চক্রে
দারিদ্র্যে চ পূজ্যেঃ চ ভিতথা। ৫৪। বিম্ববাড়িঃ বা দানে রাজভয়া ত্রিকোণসা। ৫৪। শকটক
ধনক্ষয়ঃ পশুদণ্ডি তথা দণ্ড। প্রণমে জ্যেষ্ঠনাশনঃ ন সহস্তি গৃহে ভাৰ্য্যা ॥ অর্থনাশন বৃহনুপে।
হর্জনে বিশ্বনাশায় ক্রমধুন পীড়ন। স্বর্ঘ্যে ধনক্ষয় বিজ্ঞাৎ। ধনু চৌরভয় ভবতু ॥
(১-২ পৃঃ)

(খ) ষোড়শ ভূমি ষোড়শ প্রকারয়ে। কেঁউ কণ কে ভূমিরে কেঁউ গুণ যাগিয়া।
অর্থ। শ্লোক। আয়তে সর্বসিধি চ। চতুরশ্রে ধনাগম। ভদ্রাসনে কৃতার্থায়। কৃতী
পুষ্টিবিবৰ্দ্ধনঃ। চক্রে দারিদ্র চ। বসবাড় তপাহনঃ। রাজভয় ত্রিকোণসা। শকটাদি
ধনক্ষয়ঃ। পশুদণ্ডি তথা দণ্ডঃ। প্রলম্বে য়েষ্ঠনাশনঃ। অর্থনাশ কৃতানুপে। নমস্তি
গুরে ভাৰ্য্যা। অর্থনাশঃ বৃহনুপে। ব্যজনে বিত্তনাশঃ চ। ক্রমেণ ধন পিড়নঃ। গুৰ্য্যে
ধনক্ষয়াদিত। ধনু চৌর ভবে মৃতু। (৩৫—৩৬ পৃঃ)

(গ) এ ভূমি মানক্ষর শুভাশুভ ফল। আয়তনে সিধ্যতে সৰ্ব্বং। চতুরশ্রে ধনাগমঃ।
ক্ষত্রে পুষ্টি বিবৰ্দ্ধনঃ ভদ্রাসনে কৃতার্থঃ চ। চক্রে দারিদ্র্যে য়েবোক্তম্। শোক বিমমবাহকে।
নৃপভীতি ত্রিকোণেস্তাৎ। শকটে চ ধনক্ষয়ঃ। নশ্রুতি চিরবো দণ্ড। প্রণবে ক্ষয়লোচনঃ।
স্বরিক্তে প্রিয়তে ভাৰ্য্যা। অর্থনাশঃ বৃহনুপে। ব্যজনঃ বিত্তনাশকঃ। কুর্শ্বে চ ধনপিড়তে।
চাপে ধনভয়ং জাতং। স্বর্ঘ্যে নক্ষয়ঃ ভবেৎ।

(ঘ) আয়তে সিদ্ধতে সৰ্ব্বং চতুরশ্রে ধনাগম।
ছত্রে প্রীতিবিবৰ্দ্ধী চ ভদ্রাসনে কৃতার্থিনঃ ॥
চক্রে দারিদ্র-রোগঃ চ শোকঃ বিমমবাহকে।
রাজভীতিত্রিকোণে স্তাৎ শকটে চ ধনক্ষয়ঃ ॥
চৌরা নশ্রুতি দণ্ডেন প্রণবে নেত্রনাশনঃ।
স্বমুক্তৌ মিয়ত্রে ভাৰ্য্যা গৃহদে স্বর্থনাশনঃ ॥
ব্যজনে বিত্তনাশঃ চ ধনলাভঃ চ কচ্ছপে।
চাপে চৌরভয়ং বিত্তভাস্করে চ দারিদ্রতা ॥ (৫ পৃঃ)

নোট—বাস্ত লক্ষণে যে সৰ্ব নাম দেখা গিয়াছিল, এবারে কোন কোন জায়গায় নাম বদলাইয়া গিয়াছে।
দুইটা একসঙ্গে লইয়া আমরা বোল প্রকার ভূমির নাম বাহির করিতে চেষ্টা করিব।

প্রথম উপায় নামগুলি পাশাপাশি লিখিয়া বিচার করা এবং দ্বিতীয় উপায় ফলাফল লিখিয়া তাহার সহিত কোন নাম আসিতেছে দেখা। দ্বিতীয় উপায়ে একই শব্দ অপভ্রষ্ট হইলে তাহা ধরা বাইতে পারে।

(ক)	(খ)	(গ)	(ঘ)
আয়াৎ, আয়ত	আ এতএ, আয়ত	আয়তন	আয়ত
চতুরঙ্গ, চতুরঙ্গ	চতুরঙ্গ	চতুঃশ্রেষ্ঠ, চতুরঙ্গ	চতুরঙ্গ
বৃত্ত	কৃত, কৃতী	কৃত্র	ছত্র
ভদ্রাসন		ভদ্রাসন	ভদ্রাসন
চক্র	চক্র	চক্র	চক্র
বিসম্বাড়ি	বিসম্বাড়, বসবাড়	বিসম্বাহ	বিসম্বাহ
ত্রিকোণঃ	ত্রিকোণ	ত্রিকোণ	ত্রিকোণ
শকটাদিঃ, শকট	শকট, শকটাদি	শকটাকৃতি	শকটাকৃতি
দণ্ড	দণ্ড	দণ্ড	দণ্ড
প্রণমস্থান, প্রণম	প্রণম	প্রণবস্থান	প্রণব
মুছন্দক	মুছন্দ		
বৃহত্তর্প, বৃহনৃপ	{ কৃতানৃপে বৃহনৃপ		
ব্যঞ্জন, হৃজ্জন	ব্যঞ্জন	ব্যঞ্জন	ব্যঞ্জন
কুমপৃষ্ঠ, কুমণ	কুমপৃষ্ঠ	কুম্পৃষ্ঠঃ	কুমক, কচ্ছপ
ধনুস্বজ*, ধনু	ধনুস্বজ*, ধনু	ধনু	ধনুকাকার, চাপ
সূর্য্য	সূর্য্য হর্ম্যপিঠ সুর ।	সূর্য্যচক্রঃ সুরিক্ত বৃহস্পৃথ	সূর্য্যক, ভাস্কর মূর্ত্তি, সূমূর্ত্তি গৃহদ

* ইহা নিশ্চয়ই ধনু এবং সূর্য্য এক হওয়ার হইয়াছে :

সর্বসিদ্ধি—	আরত	আরত	আরতন	আরত
ধনাগম—	চতুরস্র	চতুরস্র	চতুরস্র	চতুরস্র
কৃতার্থ—	ভদ্রাসন	ভদ্রাসন	ভদ্রাসন	ভদ্রাসন
পুষ্টি বিবর্ধন—	বৃত	কৃতী	কত্র	ছত্র *
দারিদ্র্য—	চক্র	চক্র	চক্র	চক্র, ভাষ্কর
রাজভয়—	ত্রিকোণ	ত্রিকোণ	ত্রিকোণ	ত্রিকোণ
ধনক্ষয়—	শকট	শকট	শকট	শকট
পশুনাশ—	দণ্ড	দণ্ড	(১)	(২)
জ্যেষ্ঠনাশ	প্রণম	প্রলম্ব		
নেত্রনাশ—			প্রণব	প্রণব
অর্থনাশ—	বৃহনৃপ	বৃহনৃপ	বৃহনৃপ	
বিজ্ঞানাশ	—(৩)			
বিস্ত্রনাশ		ব্যঞ্জন		
বিশ্বনাশ		দুর্জয়ন	ব্যজন	ব্যজন
ধনক্ষয়—	সূর্য্য	সূর্য্য	∞	
শোক—			বিষমবাহ	বিষমবাহ

* ঐতিবিবর্ধন § দারিদ্র্য রোগ (১) নশুস্তি চিরবো দণ্ড ? (২) চৌরা নশুস্তি দণ্ডেন

(৩) এগুলি এক শব্দের অপভ্রংশ মনে করিবার কারণ আছে ∞ সূর্যে নক্ষত্রঃ ভবেৎ ।

এইগুলি ভাল করিয়া বিচার করিলে দেখা যাইবে কতকগুলি সব বইতেই আছে, বাকি গুলি লইয়া গোলযোগ আছে ।

সাধারণ—আরত, চতুরস্র, ভদ্রাসন, চক্র, ত্রিকোণ, শকট, কৃষ্ণ, ধনু, সূর্য্য, দণ্ড ।

সাধারণ, কিন্তু নামে গোলযোগ ঘটয়াছে—প্রলম্ব, ব্যঞ্জন, ছত্র(?), বিষমবাহ(?), বৃহনৃপ(?),

অসাধারণ—মুছন্দক ও মুছন্দ, পৃহন ; সুরিক্ত, সুরমুষ্টি ; হৃদ্যপিঠ ।

স্বরভেদ—লক্ষণ

জমি মাপিবার জন্ত যে সময়ে সূতা ফেলা হয়, সেই সময় বিভিন্ন প্রকার শব্দ হইলে কি কি বুঝিতে হইবে, তাহা বলা হইতেছে।

(ক) স্বরস্থতিবা শ্লোক ॥ স্ততপাত প্রবক্ষ্যামি সুর সঙ্কোচমেতধর। ত গৃহীত স্ততএবে।

অর্থ—ঘর সূতা ধরিবা বেলে সূতা ছিড়ি গলে, কে তাহাকু খতাই হেলে, এমন্ত হোইলে সে ডিহরে ঘর ন তোলিব। সে ডিহরে ঘর তোলিলে গুরুহ নাম যাই ॥ (৫৬ পৃঃ)

(খ) এবৈশ্রতলক্ষণ কহীবা। যুত্র পাত প্রবক্ষ্যামি। সুর সঙ্কোচনে ধর। তদ গৃহীকং স্ততধ্বং। অনতু যাতী মানব। ১। অর্থঃ সূতা ধরিবা বেলে যেবে ছিড়ী যঙ্গি নোইলে কেহি খতাই হোঙ্গি। এমন্ত হোঙ্গিলে সে ভূমিরে কেহী ঘর ন করিব। সে ডীহরে ঘর কলে আপনা স্বামী নাশ যঙ্গি। (৩৯ পৃঃ)

স্ততা ধরীবা বেলে ঘরী বা উডাব। তেবে সে ঘর স্বামী নাশ যঙ্গি তহী ন রহীবঃ। (৪০ পৃঃ)।

(গ) এবৈ ভূমিরে খন্ত আরোপণ করিবা কু সূতাস্তমান পাতি দীর্ঘ প্রতি করি বন্ধমান ধরিবা কু সূত্র পাতিবা বেলে স্বরভেদর লক্ষণ অলক্ষণ কহিবা। সূতা ধরি স্ততিধরিবা বেলে সূতা হাথরু খসি গলে বিপত্তি পড়ই। সূতা ছাড়ি গলে গৃহস্থ মরই।

(ঘ) স্ততস্ত ছেদনাংক্ষিপ্তং দ্বঃখং সামরনাস্তকং।

অতো বিধিবিধানেন শাস্তি হোমতু কারয়েৎ ॥ (১৫ পৃঃ)

নোট—	খতাই—বা	= ভেঙচান
	ডিহি	= মাঠ
	দীর্ঘ	= লম্বাই
	প্রতি	= গ্রন্থ) = চোড়াই
	বন্ধ	= জোতিষতত্ত্বের মধ্যে দেখ।

অনুবাদ—এইবার জমির লম্বাই ও চোড়াই মাপিবার সময়ে সূতা ফেলিতে ফেলিতে ভিন্ন ভিন্ন শব্দ হইলে, তাহাদের ফলাফল বলা ইতেছে।

সূতা যদি হাত হইতে খসিয়া পড়ে, উড়িয়া যায় অথবা যদি কেহ জমির স্বামীকে মুখ ভেঙচায়, তবে সে মাঠে কেহ যেন ঘর না করে। ঘর করিলে গৃহস্থ নাম পর্য্যন্ত নষ্ট হইয়া যাইবে।

(ক) স্ততবিস্তার্যামানেন শব্দ শব্দ বগা ভবেৎ। দেবভূমি ভবেত স মানব বর্জয়ে সগা ॥ অর্থ—সূতা পারিবা বেলে যেবে শব্দ শব্দ শুভই সে দেবভূমি উহি মানবী ন রহিব ॥ (৬ পৃঃ)

(খ) শ্লোকঃ। স্ততপ্রসারমাশ্রেণ। সংখং সন্ধ্য শুভে জদি। দেবভূমি ভবেজন্ত।

মানব বর্ষএ সনাঃ। অর্থঃ। স্তুতা ধরিবা বেলে যেবে সংখ শব্দ শুভদে সে দেবভূমি তহী মানব ন রহীব। (৩৯ পৃঃ)

অনুবাদ—স্তুতা পাতিবার সময়ে যদি শাখের শব্দ শোনা যায়, তবে সে জমি দেবতার স্থান, তাহাতে মানুষ থাকিবে না।

(ক) শ্লোক ॥ স্তুতবিস্তার্যমানেন মহাবাত ভবে যদি
ব্রজঅ দুসী ভূমি বাত চন্তো ভবে তনা।

অর্থ। স্তুতা ধরিবা বেলে যেবে বা করিব সে ঘর বায়ে ভগ্ন হোই যিব। (৬ পৃঃ)

শ্লোক ॥ স্তুতপ্রসাদমাত্রেণ মহাবাত শুভতে যদি।
বর্জএ তাদৃশ ভূমি বাতয়ে ভাজতে ভবে ॥

অর্থ। স্তুতা পারিবা বেলে যেবে বড় রাব হোই জানিমা সে ঘর বায়ে ভগ্ন হোইব (১৩পৃঃ)

(খ) শ্লোকঃ। শুভবীস্তারমানেন মহাবাত ভবে জদী। বর্ষএ তাদৃশং ভূমি। বাতভয়ং ভবে জদী। অর্থঃ। স্তুতা ধরিবা বেলে যেবে বড় বাত বোলন্তে কী পবন বহদে সে ঘর বাএ ভগ্ন হোই।

অনুবাদ—স্তুতাপাতিবার সময়ে যদি খুব বাতাস বয়, তবে সে ঘর বড়ে ভাঙ্গিয়া যাইবে

(ক) শ্লোক। স্তুতবিস্তার্যমানেন শিলাঘাত যদাভূমি
ভীমানাসব্রসজনা বর্জয়েৎ তদাভূমি। (৬ পৃঃ)

শ্লোক। স্তুতপ্রসাদমাত্রেণ শিলাবৃষ্টি ভবে যদি।
বর্জয়ে তাদৃশম্ বস্ত গৃহস্থগাপিজায়তে।

অর্থ। স্তুতা পারিবা বেলে যদি শিলাবৃষ্টি করই, জানিমা সে ঘর শিলাবৃষ্টিরে ভগ্ন হোইব। (১৪ পৃঃ)

(খ) শ্লোকঃ। শুভ বীস্তার মানেন। শিলাঘাত ভবে জদী। বর্জএ তত্র ভূম্যা জননাস ভবে সনাঃ। অর্থ। স্তুতা ধরিবা বেলে যেবে পথর বরসই যানিম সে ঘর শিলাঘাতে ভগ্ন হোই।

(ঘ) কেবে পথর বরষিব। বড় আশ্রয় ভাঙ্গি যিব ॥

অনুবাদ—স্তুতা পাতিবার সময়ে যদি শিল পড়ে, তবে সে বাড়ী শিল পড়িয়াই ভাঙ্গিয়া যাইবে।

(ক) শ্লোক। স্তুত বিস্তার্যমানেন উত্তরে গাবহঃ শ্রুতে সসন্শ্রী সতা তত ভূমি ॥
বর্জতে চান্নতঃ সনাঃ। অর্থ। স্তুতা দেবা বেলকু উত্তর আড়ে গাই দেখিলে সে ভূমি ত্রীহানি। বর্জিত করিব তাহা। (৭ পৃঃ)

শ্লোক। স্তুত প্রসাদমাত্রেণ উত্তরব হসতে। সে সামিতত্রতা ভূমি ব্রজতে বাস্তত সনা।

অর্থ। সূতা পাতিবা বেলে যেবে উত্তর আড়ে গাই গরু দেখিলে জানিমা সে ভূমি রাক্ষসভোগ্য হৌই। (১২ পৃঃ)

(খ) সূতা ধরিবা বেলে যেবে উত্তরদিকে গাঙ্গি বোবাঙ্গি। যাদির সে ভূমিরে সীসীহানী হৌঙ্গি।

(গ) সূত্রবিস্তার্য মানস্তু গবায় রোদন্তে যদি। গোরু অস্থি বিজানীয়াং মৃত্যোবাস্ত বধার্থজা। অর্থ। সূতা পাতিবা বেলে যেবে গরু বোবাই কে বাস্তরে গরু হাড় গোটাএ খাই। ন কাটিলে মৃত্যু হৌই।

(ঘ) সূত্রে বিস্তীর্ণ্যমাণে তু ধেমুঃ শব্দায়তে যদি।

গবাহিক্ত্বা জানীয়াত্ম ত্বার্বাস্তপতের্ভবেৎ।

সূতা বেলে গাঙ্গি বোবাই। সে ঘরে গোরু হাড় খাই। বরুকু পকড়াগ কর।

পূর্বাদি তৃতীয় ভাগর ॥ অটাএ খোলি হাড় বেন। কুকুর হাড় কথা শুন ॥

অনুবাদ—সূতা পাতিবা মাত্র উত্তর দিকে গরু দেখিলে বা ডাকিলে জানিবে সে গৃহে শ্রীহানি হইবে। তাহা রাক্ষসভোগ্য ভূমি। সেখানে থাকিলে মৃত্যু হইবে। (ঘরের বেদিক মাপা হইতেছে সেই দিক হইতে অথবা) পূর্ব হইতে পশ্চিমে যরকে ৫ ভাগে ভাগ কর। তার ভিতর পূর্বদিক হইতে গণিলে তৃতীয় ভাগে এক কোমর নীচে খুঁড়িলে গরুর হাড় পাইবে।

(ক) শ্লোক সূত্রবিস্তার্যমানেন মাস শব্দ সূত্রে যদি।

দেব ভূমি বিজানীয়া মনুষ্যে ব্রজতে সদ ॥

অর্থ—সূতা দেবা বেলকু যেবে বড় চহল শোভই সে ভূমি দেবতাকর উঁহি বাস ন করিব। (৮ পৃঃ)

শ্লোক। সূত্র প্রসাদমাত্রেন মহাশব্দ শুভতে যদি।

তু দেব ভূমি বিজানীয়াং মনুষ্যে তত্র বর্জয়ে ॥

অর্থ। সূতা পারিবা বেলে যেবে বড় চহল শুভই। জানিমা সে ভূমি দেবভূমি উঁহি বাস ন করিব। (১২-১৩ পৃঃ)

(খ) সূতা পাতিবা বেলে যদি বড় চহল শুভই। জানিম সে ভূমি রাক্ষস ভোগ হৌঙ্গি।

(ঘ) সূতীর বেলে বড় শব্দ। হেলে দেবভূমি জানিব ॥ সর্বথা তহি ন রহিব। রহিলে উপদর্শ ছেব। (১৭ পৃঃ)

অনুবাদ—সূতা পাতিবার সময় যদি গোলমাল হয়, তবে তাহা দেবতার ভূমি ধরিয়া জানিবে এবং সেখানে থাকিবে না। থাকিলে উপদ্রব হইবে।

(ক) শ্লোক সূত্রবিস্তার্যমানেন মাসং শব্দ শুভতে যদি। ৫।

ধর্জতে দৃষ্টবাস্তম্ চ মরণ তত্র ন সংশয়ঃ !

অর্থ। সূতা পাতিবা বেলে যদি মাসং শব্দ শুভই নছিলে দেখই তহি রহিলে মরণ নিঃসংশয়ে হৌঙ্গি। (৮ পৃঃ)

শ্লোক স্তত্রপ্রসাদমাত্রেন মাসং শব্দ শুভতে যদি।

বর্জয়েব্বলবন্তচম্ মরণ তত্র নিসংসয়ঃ।

অর্থ। স্তত্র পারিবা য়েবে য়েবে মাসং শব্দ শুভই, নহিলে দেখই জানিমা সে মৃত্যুসংশয়ে। (১৩ পৃঃ)

(খ) শ্লোকঃ। শুত্রবিস্তারমানেন মানব সন্দ্ শুভে জদী।

বর্ষএতত্র ভূমি সা। মরণ তত্র নিসংসয়ঃ।

অর্থ। স্তত্র ধরিবা বেলে যদি মাংস দেখাঈ নোহিলে চে স্ত্রুণ্ট সে য়ে রহিলে মরণ নিশ্চয়ে হোঈ।

অনুবাদ—স্তত্র পাতিবার সময়ে যদি এর শব্দ শোনা যায়, অথবা... ..
... কে দেখা যায়, তবে সে ভূমিতে থাকিলে নিশ্চয় মৃত্যু হইবে।

(ক) স্তত্রবিস্তার্যমানেন গীত শব্দ শুভতে যদি। তেযা ভূমি কোবরসা ধন ধাত্ত বহু পুত্রিকা। স্তত্র দেবা বেলে য়েবে গীত। (৮-৯ পৃঃ)

(খ) শ্লোক। স্তত্র বিস্তারমাত্রেন গিত শব্দ শুভতে যদি। তে ভূমি কুবেরস্ত্র ধনধাত্ত বিহিতা ॥ স্তত্র দেবা বেলে য়েবে গিত শব্দ স্তত্র য়াণিমা বে তেবে সে য়ে ধন বৃদ্ধি হোঈ। পুত্র বহু হোঈ। (৮১ পৃঃ)

অনুবাদ—স্তত্র পাতিবামাত্র যদি গান শুনিতে পাওয়া যায়, তবে সে ভূমি কুবেরের, অথবা সেখানে থাকিলে বহু অর্থ ও পুত্র হইবে।

(ক) শ্লোক স্তত্রবিস্তার্যমানেন দহতুমি প্রজায়তে। বাএ শুত্র বিজ্ঞানীর দেশ সবারজোক্ত তথা। স্তত্র পারিবা বেলে য়েবে অগ্নি দহন দেখিব, কি বা বহিব আপনায় দেশ হেলে ছাড়ি। (৯-১০ পৃঃ)

(খ) শ্লোকঃ শুত্রবীস্তারমানেন। দহনৌ যদি দৃশ্যতে। বর্ষএ তাদৃশং ভূমি। দেসস্ত্র পরিবর্ষএত। অর্থঃ। স্তত্র ধরিবা বেলে জদী অগ্নি দহন দেখিব আপনা দেস হেলে ছাড়ি পলাইব। (৮১-৮২ পৃঃ)

অনুবাদ—স্তত্র পাতিবার সময়ে যদি আগুন দেখা যায়, তবে সে দেশ তোমার নিজের দেশ হইলেও তাহা ছাড়িয়া পলাইবে।

(ক) স্তত্র শ্লোক। স্তত্রমাস্ত্র্যমানেন মনুষ্যেবাদিতে যদি। পচর পচম্ পকি ক্রিয়ন্তে ভাগ স্তত্রেক। স্তত্র পারিবা বেলে য়েবে মনুষ্য কান্দই জানিমা সে ডিহরে মনুষ্য হাড় অছি। (১১ পৃঃ)

(গ) শ্লোকঃ স্তত্রবিস্তার্যমানেন রোদিতে শ্বাসতে অথবা নষ্টভিন্নাশ্রিতে। সল্য যুগু মালা বিনির্দিশেৎ। অর্থ। স্তত্র পতিবা বেলে য়েবে লোকে কান্দুখাতি কাসুখাতি এমনত বেলে জানিম সে বাস্তরে নাড়িমাত্র গভীরে সল জে যুগু গোটিএ খাই।

(ସ) ହୃଦ୍ରେ ବିସ୍ତୀର୍ଣ୍ଣ୍ୟମାଣେ ତୁ ରୋଦନଃ କ୍ରନ୍ଦତେ ଯଦି ।

ନାଭିମାନେ ହିତଃ ଶଲ୍ୟଂ ମୁଣ୍ଡ ଶାଳା ବିନିର୍ଦ୍ଦିଶେଂ ।

ହୃତା ପାତିବାର ଲକ୍ଷଣ । କହିବା ସାବଧାନେ ଶୁନ ॥ ମନ୍ତ୍ରଣ୍ୟମାନଃ ରୋଦନ । କିଅବା ଡରକର ସ୍ବନ ॥ ଗୁଲିଲେ ଗୁଡ଼କୁ ନ ଦେବ । ଏ ହାଡ଼ ଥିବାର ଜାଣିବ । ସରକୁ ଘୋଳଭାଗ କର । ପୂର୍ବରୁ ସେ ପାଖ ଡାଗବ ॥ ଅଣ୍ଟାଗହୀରେ ମୁଣ୍ଡ ପାଇ । ଏଥି ସଂଶୟ କିଛି ନାହିଁ ॥ (୧୫-୧୬ ପୃଃ)

ଅନୁବାଦ—ହୃତା ପାତିବା ମାତ୍ର ଯଦି କେନ ମାନ୍ତ୍ରଣ୍ୟେ କୌଣେ ଅଥବା ଦୌର୍ଯ୍ୟ ନିଃସ୍ବାସ ଫେଲେ, ତବେ ସେ ଜମିତେ ମାନ୍ତ୍ରଣ୍ୟେ ମୁଣ୍ଡ, ହାଡ଼ ପ୍ରଭୃତି ଆଛେ ଜାଣିବେ । ସରକେ ଘୋଳଭାଗ କର (ପୂର୍ବ—ପଶ୍ଚିମେ ?) । ପୂର୍ବ ଦିକ ହୈତେ ଗଲିଲେ ପଞ୍ଚମ ଭାଗେ ଏକ କୋମର ନୀଳେ ସେହି ହାଡ଼ ପାଇବେ ।

(କ) ହୃଦ୍ରେ ବିସ୍ତୀର୍ଣ୍ଣ୍ୟମାନେନ ସ୍ବାନନ୍ତି ରୀଦତେ ଯଦି । ଦଦିମାତ୍ର ପ୍ରମାଥେ ଜନ୍ମତମତ ଭାଗେ ବାଗନ । ହୃତା ପରିବା ବେଳେ ସେବେ ... କୁକୁର ବୋବାଇ ଜାଣିଲା ସେ ଡିହରେ ମନ୍ତ୍ରଣ୍ୟ ହାଡ଼ ଅଛି । (୧୧ ପୃଃ)

(ସ) ହୃଦ୍ରେ ବିସ୍ତୀର୍ଣ୍ଣ୍ୟ ମାଣେ ତୁ କୁକୁରୋ ଯଦି କ୍ରନ୍ଦତେ ।

ଅଚିରେ ଶୈବ କଲେନ ଶୂନା ନିହତ ଏବ ସଃ ।

ହୃତ ପାତିବା ବେଳେ ସେବେ । ସ୍ବାନ ବୋବାଇ ଶୁନ ଡେବେ ॥ କୁକୁର ହାଡ଼ ଥାଏ ଟିହି । ବାହାର କରି ଗୁଡ଼ ଦେଇ ॥ ତାର ପୂର୍ବରୁ ତିନିଭାଗ । ଅଣ୍ଟାଏ ଗଣ୍ଡୀର କରିବ । ସ୍ବାନ ହାଡ଼ ବାହାର କର ॥ ଏକସ୍ତେ ଗୁଣ ହୃଦ୍ରେ । ଅଳପ ଦିନେ ସ୍ବାନ ଯୋଗେ । ଗୁଣ୍ଡୀ ପଡ଼ି ହୁଏ ଡୋଗେ ॥ (୧୬-୧୭ ପୃଃ)

ନୋଟ—‘ସ’ ଏ ଇହାର ଆଗେଇ ଗରୁଡ଼ ଶବ୍ଦର କଥା ଆଛେ ଓ ତାହାର ହାଡ଼ ବାହାର କରାର କଥା ଆଛେ । ତାହାତେ (ପୂର୍ବ ପଶ୍ଚିମେ ?) ଜମିକେ ପାଞ୍ଚ ଭାଗ କରିଲା ତୃତୀୟ ଭାଗ ହୈତେ ହୈତେ ହାଡ଼ ବାହାର କରା ହଇଲାଛି । ଏଥାନେ “ପୂର୍ବରୁ ତିନିଭାଗ” ବଳିତେ କି ସେହିରୂପ ପାଞ୍ଚ ଭାଗ କରିଲା ତୃତୀୟ ଭାଗ ନେଉରାର କଥା ବୁଝାହିତେଛେ ?

ଅନୁବାଦ—ହୃତା ପାତିବାର ସମୟେ କୁକୁର ଡାକିଲେ ଜମିତେ ମାନ୍ତ୍ରଣ୍ୟେ ହାଡ଼ ଆଛେ ବୁଝିବେ । ଅଗ୍ର ମତେ କୁକୁରର ହାଡ଼ ଆଛେ ବୁଝିତେ ହଇବେ ।

(କ) ଶ୍ଳୋକ—ହୃତବିସ୍ତୀର୍ଣ୍ଣ୍ୟମାନେନ ମୁଣ୍ଡମୁଣ୍ଡିତୋର ଭବେଂ । ମୁଣ୍ଡତ୍ର ବିଜାଣିଜାତ ଲେଖତ ବାସ୍ତଭିନକ୍ଷଣ । ଅର୍ଥ ହୃତା ପାରିବା ବେଳେ ସେବେ ଲାଓମୁଣ୍ଡ ଦେଖି ଜାଣିଲା ସେ ଡିହରେ ନାଓମୁଣ୍ଡ ଅଛି । ତ୍ରିଭାଗ କରତେ ହୃତ ଦେବଶୀ ବଚସ୍ତିକ । ନାଭିମାତ୍ରମନ୍ତ୍ରଣ୍ୟେ ଭୂମି ଲେଖତେ ମୁଣ୍ଡମୁଣ୍ଡିକ ॥ ହୃତା ତିନି ଭାଗ କରିବ, ହୃତା ଦେବା ବେଳେ ସେବେ ମନ୍ତ୍ରଣ୍ୟ ଦେଖି ଜାଣିଲା ମନ୍ତ୍ରଣ୍ୟ ମୁଣ୍ଡ ଅଛି । ୧୫ । ସେ ହୃତା ଚାରିଭାଗ କରିବା ପୂର୍ବଭାଗେ ଗର୍ଭରେ ହାତକ ଗଣ୍ଡୀରେ ଅଛି ମୁଣ୍ଡ । (୧୦-୧୧ ପୃଃ)

ଘଟଭଗ୍ନ...ଗେବଂ । ହୃତାକା ଜୋଷୋକୋ ରୋଦିତା ॥ (୧ ପୃଃ)

(ଖ) ଶ୍ଳୋକଃ । ଗୁଡ଼ ବିସ୍ତାର ମାନେନ ନାଓମୁଣ୍ଡ ଦୃଶ୍ଯତେ ଜ୍ଞଦୌ । ପୃଷ୍ଠାଂ ଘଟଭଗ୍ନସ୍ ଜଷ୍ଯକୋ ରୋଦିତାଃ । ଅର୍ଥଃ । ହୃତା ପାରିବା ବେଳେ ସେବେ ନାଓ ମୁଣ୍ଡ ଦିନିଜି ଦେଖିବ । କିଅବା ମୁଣ୍ଡ ପିଠ ଦେଖିବ । କିଅବା ଜଷ୍ଯକା ରାବ ଦେବ । ସାନ୍ଧ୍ୟ ସେ ଡିହରେ ମୁଣ୍ଡ ଗୋଟାଏ ଅଛି । ହୃତା ଚାରି ଭାଗ କରିବ । ପୂର୍ବଭାଗ ଉପର ଗଣ୍ଡୀରେ ସେ ମୁଣ୍ଡ ଅଛି । (୧୦-୧୧ ପୃଃ)

অম্ববাদ—সুতা পাতিবার সময়ে যদি নেড়ামাথা লোক চোখে পড়ে, তবে সে জমিতে মাহুকের মাথা আছে। সুতাকে চারভাগ করিবে। পূর্বদিক হইতে তৃতীয় ভাগে এক হাত নীচে মাহুকের মাথা আছে। (খ) অম্বদারে এই সময়ে আঁকের পিণ্ড দেখিলে অথবা শিয়ালের ডাক শুনিলেও তাহাই বুঝিতে হইবে।

(ক) শ্লোক—সুত্র প্রসাদমাত্রেণ মহাবৃষ্টিভবে যদি। ধনধান্যভবে বাস্ত শুভক্ষণে ভবে যদি। অর্থ। সুতা পারিবা বেলে যেবে দীর্ঘ বৃষ্টি করই জানিমা সে ঘরে ধনধান্য পুত্র পুত্রী অনেক হইবে। (১৩-১৪ পৃঃ)

(খ) শ্লোকঃ। সুত্র বিস্তার মানন শুর বৃষ্টি ভবে জদী। ধনধান্য ভবে বাস্ত। শুভক্ষণে ভবে জদী। অর্থ। সুতা পাড়ীবা বেলে যেবে দীর্ঘ বৃষ্টি করই। যাক্ষ্ম সে ভূমিরে ধনপুত্র বহুত হোই। । :০: । :০: । (৪৪ পৃঃ)

(ঘ) ঘরে সুতা পাতিবা বেলে। সে ঠারে হীনবৃষ্টি কলে॥ সে রাজ্যে দুর্ভিক্ষ হইবে। মহা অরিষ্ট হোএ তর্হি॥ যেবে অলপ বরষই। সুখ নাহি রাজ্য ভাজই॥

অম্ববাদ—সুতা পাতিবার সময় যদি দেবতা বৃষ্টি দেন, তবে সে জমিতে ধনধান্য পুত্র কলত্র অনেক হইবে। (ঘ) এর মতে হীন অর্থাৎ অল্প বৃষ্টি হইলে দেশে দুর্ভিক্ষ হইবে ও রাজ্য ভাঙ্গিয়া যাইবে।

(গ) সুতবিস্তার্যমানস্ত গজধ্বনিমুদাহৃত। গজ অস্থি বিজানীয়াৎ বাস্তভূমি মো সংশয়। অর্থ। সুতা পাতিবা বেলে যেবে গজধ্বনি শুভই সে বাস্তরে গজ যে হস্তী হাড় গোটাএ খাই। এ সল ন কাটিলে বাস্তভূমি সংশয় হোই।

(ঘ) সুত্রে বিস্তার্যমাণে তু গজশব্দে যদা ভবেৎ।

গজশব্দে বিজানীয়াৎ বাস্ত ভূমৌ ন সংশয়ঃ ॥

যেবে হাতী গর্জন হেব॥ সে ঘরে হাতিগাড় থিব। এহাকু একপে জাগিব। ঘর নবভাগ করিব॥ মধ্য ভাগকু খোলাইলে। বুকুএ গহীর করিলে। অবশ্য হাতী হাড় খাই। একপে এহা জগা যাই॥ (১৬ পৃঃ)

অম্ববাদ—সুতা পাতিবার সময়ে যদি হাতীর গর্জন শোনা যায়, তবে সে জমিতে হাতীর হাড় আছে। ঘরকে ৯ ভাগে ভাগ করিয়া, মাঝের ভাগে এক বুক নীচে হাড় পাওয়া যাইবে। তাহা না ফেলিয়া দিলে বিপদের সম্ভাবনা আছে।

(গ) সুত্র বিস্তার্যমানস্ত হয় ধ্বনি মুদাহৃতং। হয় অস্থি বিজানীয়া সন্ত তিষ্ঠতি নানাথা। অর্থ। সুতা পাতিবা বেলে যেবে হয় বোবাই সে বাস্তরে ঘোড়া হাড় গোটাএ খাই।

(ঘ) সুত্রে বিস্তার্যমাণে তু হয় শব্দো যদা ভবেৎ।

তত্রীয়াস্থি বিজানীয়াৎ নহানির্ভবে দ্ব বং ॥

ঘোড়া হেবা যেবে শুনিব। সে ঘরে ঘোড়া অস্থি থিব॥ পূর্ব পশ্চিম ঘর হেব। ঘর তিন ভাগ করিব॥ পূর্বভাগকু খোলাইব। নাতিএ গভীর করিব॥ অস্থিকি বাহার করিব।

শুভ্রু দেব নিশ্চৈ জ্ঞান ॥ উত্তর দক্ষিণ গৃহর । তিনি ভাগরে যে উত্তর ॥ নাতি এ গভীরতা
কর । হেব এ অস্থি যে বাহার ॥

অনুবাদ—সুতা পাতিবার সময়ে ঘোড়ার ডাক শুনিলে, জমিতে ঘোড়ার হাড় আছে
বুঝিতে হইবে। পূব পশ্চিম ঘর হইলে তাহাকে তিন ভাগ করিয়া পূব দিগের ভাগে, নাতি
পর্ষ্যন্ত খুঁড়িলে হাড় পাইবে। উত্তর দক্ষিণ ঘর হইলে সেইরূপ তিনভাগ করিয়া উত্তর ভাগে
ভেদনি খুঁড়িলে হাড় বাহির হইবে।

(ক) মুণ্ডকযজ্ঞ হুশ্রা হুঠারাননী চণেৎ ॥ ঘটভগ্নদ (৭) গেবং ॥ মৃত্যুকা জোষোকো
রোদিতা ॥ (৭ পৃঃ)

(গ) মৃত্যুকো ধ্যাননে চৈব দৃষ্টি ভেদে ভবে গৃহং । ঘটভেদ ভবেৎ স গৃহং ভবুক রোদতে ।
অর্থ । সুতা পাতিবা বেলে যেবে বেগ বোবাই সে ঘর গৃহস্থ অত্রাহি হোই। সে ঘর অছু
হোই। সে বাস্তবঃ ধবন্ত হোই। শিআল বোবাই।

নোট—(ক) এর উক্ত অংশের দ্বিতীয় চরণ পূর্বে ছাড়া মাথা দেখার সঙ্গে দেওয়া হইয়াছিল। ইহার
প্রকৃত স্থান এই শ্লোকে হওয়া সম্ভব, যদিও (খ) এ ছাড়া মাথার সহিত “গুঠারং ঘটভগ্নস জমুকো রোদিতা” পাওয়া
যায়, তবে সেখানে উভয় চরণে কোন সামঞ্জস্য নাই। এ ক্ষেত্রেও যে বিশেষ আছে, তাহা নহে।

অনুবাদ—সুতা পাতিবার সময়ে যদি ব্যাঙ ডাকে, তবে গৃহস্থ সে বাড়ীতে থাকিতে
পারিবে না, সে গৃহের ছাত শেষ হইবার আগেই তৈয়ারী বন্ধ হইয়া যাইবে। সে বাস্তব
শিয়ালে আসিয়া কাঁদিয়া যাইবে।

(এইখানে আমাদের ভাষায় “ভিটের ঘুঘু চরা” ও “হঃখ দেখিয়া শিয়াল কুকুরে কাঁদার”
কথা মনে পড়ে।)

(গ) শ্লোক । গর্ঘবো যশ্র স্তাৎ পরিবর্জয়েতে রোদন্তে পুত্রকালন্ত ঐব মৃত্যু বিনি-
দিশেৎ ॥ সুতা পাতিবা বেলে যেবে গর্ঘ ধনি শুভই তেবে পুত্র শোক হোই। গৃহস্থ মৃত্যু হোই।

(ঘ) গর্দভো শক্যতে যত্র তদগেহং পরিবর্জয়েৎ ।

কাকোদৃষ্ট্যা মুখং রোতি ঐবং মৃত্যুবিনিদিশেৎ ॥ (১৭ পৃঃ)

অনুবাদ—সুতা পাতিবার সময়ে গাধা ডাকিলে পুত্র শোক হইবে ও গৃহস্থও মরিয়া
যাইবে।

— যদি সেই সময়ে কাক গৃহস্থের দিকে চাহিয়া ডাকে তবে তাহার মৃত্যু নিশ্চিত।

(গ) সুত বিস্তার্যমানন্ত পন্নগো যদি দৃশ্যতে । আচরে সৈব কালেন স্বামীন হত পনগ ।
অতর্থাৎ সুতা পাতিবা বেলে যেবে সর্প দেখই তেবে অন্নদিনে মরই। সর্প থাই।

(ঘ) যত্র বিস্তীর্ণমাণে তু পন্নগো যদি দৃশ্যতে ।

অচিরেণৈব কালেন সর্পেণ নিহতো ঐবং ॥

অনুবাদ—সুতা পাতিবার সময়ে যদি সাপ দেখা যায়, তবে অন্নকালের মধ্যেই
গৃহস্থের সর্পাঘাতে মৃত্যু হইবে।

(গ) শ্লোক। বকঞ্চ সহস্রাচন বসল্যাক্ষরানি চ। ন চৈব সুপ্রসন্ন সন বসল্যা
বিবৰ্জয়তে। অর্থ। সুতা পাতিবা বেলে সেবেশ্বক দেখি বাম পাখে সে ভূমি সুখা সলজে
হাড় গোটি থাই।

নোট। বকের মুখে কি হাড় থাকা দরকার? অন্ততঃ “সহস্রা”তে তাই মনে হয়।

• অনুবাদ—সুতা পাতিবার সময়ে বাম দিকে বক দেখিলে সে ভূমিতে নতুন হাড় আছে
বুঝিবে।

(গ) শ্লোক। শত্রু ক্ষয়তি নির্যোষে বসন্তি বিপ্রসদগৃহে। জ্যোতিষো কথয়ানঞ্চ কীর্ত্তিঞ্চ
বিস্তবর্দ্ধন। সুতা পাতিবা বেলে যেবে মেঘ গর্জন করই, দর্পণে প্রসাদ উদ্ভব।

নোট—শিল্পী অর্থ ভুলিয়া গিয়াছে দেখা বাইতেছে। বাহ! বুঝিয়াছি, তাহা লিখিলাম। ‘বসন্তি’ কি
‘বদন্তি’ হইবে? অথবা ইহা ‘বাস করিবে’ এই অর্থে হইয়াছে। তাহা হইলেও অর্থ পরিষ্কার হয় না।

অনুবাদ—সুতা পাতিবার সময়ে মেঘ গর্জন করিলে শত্রুক্ষয় হয়। এই সব জ্যোতিষের
কথায় (অর্থাৎ এগুলি মানিয়া চলিলে) কীর্ত্তি ও বিত্ত বর্দ্ধিত হইবে (?)।

নাগপ্রমাণ

নাগের স্থিতি ।

(ক) ত্রীত্রীত্রী বামেণ সেঅতে নাগ ৫০ কোটি মায়েতে অথত্রৈ তিথিয়াচম পৃথিবী জায়তে জাহতে সদা ।

ত্রীত্রী-ভাদ্রব অমাণ কারিত্বিষু সার নাগহ পূর্বক । দক্ষিণে উদরে সৈব পৃষ্টি সৈব উত্তরে । পশ্চিমে গোকসিত অগোয়া সবলাগুল তিভিমােসে স্থনিচল

মার্গসিরে পুশ্র মাঘে শির নাগহুদক্ষিণে । পশ্চিমে মুদোর শৈব পৃষ্টি সম্পূর্বক । উত্তরেণ পুচ্ছঘাত নৈরাএ সবলাগুল তিভিমােসে স্থনিচল ।

ফাল্গুণে মধু বৈশাখে শিরো নাগহু পশ্চিমে । উত্তরে উদরে সৈব পৃষ্টি সৈব দক্ষিণে । পুৰ্বোত্তর বদা পুচ্ছ ববে স্তোতি লাজুল তিভিমােসে স্থনিচল ।

জ্যৈষ্ঠ আষাঢ় শ্রাবণেষু শিরনাগস উত্তবে পাসি উত্তরে সৈব পৃষ্টি সৈক পশ্চিমে । দক্ষিণে বদা সক্ষদ্রশানে সৈব লাজুল (১৪-১৫ পৃঃ)

(খ) এবে নাগ পরিণাম যাগিমা । শ্লোকঃ বাসেন সয়নে নাগ । পথাস কেটী মীয়ুতে । অনন্ত জৈতী বীষাত । পৃথিবী যায়তে সদাঃ ।

ভাদ্রব আসিত্ব সির নাগো পৃষ্টকে দখীনে উত্তরে চৈব । পৃষ্ঠং চ এব উত্তরে । পশ্চিমে নপুচ্ছস্থিতং । অথি এ সর্কলাজুল । ত্রিভীমােসে শুনীশ্চল ।

মার্গসির পুস মাঘেণ । সির নাগস্ত দখিণে । পশ্চিমে উদর চৈব । পৃষ্ঠং চৈবক পূর্বকং উত্তরে পুচ্ছস্থিতং । নৈঋতে সর্কলাজুলং । ত্রিভীমােসে শুনীশ্চল ।

ফাল্গুণ্যো চৈত্র বৈশাখে সির নাগো পশ্চিমে । উত্তরে উদর চৈব । পৃষ্ঠ চৈবক দখীণে । পূর্বস্তক (ক?) দাপুছ । বাইবে স্থিতী লাজুলং । ত্রীভী মােসে শুনীশ্চলং ।

যেষ্ঠ সাঢ় শ্রাবণেণ । সির নাগস উত্তরে । পাটী ওষ্ট সর্কচৈব । পশ্চিমে দখীণে জবা পুছ । জৈমাত্তে সর্কলাজুল । ত্রীভীমােসে শুনীশ্চল । (৪৪ - ৪৫ পৃঃ)

(গ) শ্লোক । তস্তা দ্রশান ভাগেন স্তম্ভ রোপণ মেবচ । নাগরাজা ক্রমেনৈব দ্রশানং পরিত্যজয়েৎ । পূর্বকৈ শির ভাদ্রবাহ্নে ৩ মার্গে দক্ষিণ মন্তকে ৩ ফাল্গুণে বারুনাধ্রসে ৩ জ্যেষ্ঠে উত্তরমুদ্রুনি ৩ । অসমার্থ । ভাদ্রবাসিনকার্তিক নাগশির পূর্বকৈ খাই । মার্গসির পুশ্রমাঘ নাগশির দক্ষিণে খাই । ফাল্গুন চৈত্র বৈশাখ নাগ শির পশ্চিমে খাই ।

(ঘ) ভাদ্রাদৌ তু শিরঃ পূর্বে মার্গাদৌ দক্ষিণে শিরঃ ।

ফাল্গুনাদৌ শিরঃ প্রত্যক্ জ্যেষ্ঠাদাবৃত্তরে শিরঃ ॥

নোট—(ক) ও (খ) এ নাগ যে বাম পাশ ফিরিয়া শুইয়া থাকে তাহা জানা গেল। কিন্তু তাহার পরে “পৃথিবী জায়তে সদা” ইহার অর্থ ও ইহার সহিত “অনন্ত ঈশী বীমানীত” ইহার সম্পর্ক বুঝা গেল না।

নাগের স্থিতি যে রূপ বুঝিয়াছি, তাহা নজ্জা আঁকিয়া বুঝাইতে চেষ্টা করা গেল।

এইখানে একটা বিষয়ে (ক) (খ) এবং (গ) (ঘ)র মধ্যে প্রভেদ দেখা যাইতেছে। (ক) (খ)র মতে নাগ ৩ দিক জুড়িয়া শুইয়া থাকিবে; কিন্তু (গ) (ঘ)র মতে নাগ নাত্র ৩ দিক জুড়িয়া থাকিবে।

(গ) মত—নাগের অষ্টতাল প্রবন্ধে আছে (ঘ) মত—নাগের গতি প্রবন্ধে আছে বাস্তু ঘেরিয়া ভাদ্র, আশ্বিন কার্ত্তিক মাসে বাস্তুন্যায়ের স্থিতি—শির পূবে, পিঠ উত্তরে, পেট দক্ষিণে পশ্চিম হইতে অগ্নিকোণ পর্য্যন্ত সমস্ত লাজুল।

অনুবাদ—এইবার নাগের প্রমাণ জানিতে হইবে। নাগ বা পাশ ফিরিয়া শুইয়া থাকে।

ভাদ্র, আশ্বিন ও কার্ত্তিক মাসে নাগের শির পূবে, পিঠ উত্তরে, পেট দক্ষিণে ও লাজুল পশ্চিম হইতে অগ্নিকোণ পর্য্যন্ত থাকে। তিন মাস ঠিক এই ভাবে (অর্থাৎ) পূবদিকে শির করিয়া থাকিবে।

অগ্রহায়ণ, পৌষ ও মাঘ মাসে নাগের শির দক্ষিণে, পশ্চিমে উদর, পূবে পিঠ ও লাজুল উত্তর হইতে নৈঋত কোণ পর্য্যন্ত থাকে। তিন মাস এই ভাবে চলে।

ফাল্গুন, চৈত্র ও বৈশাখ মাসে নাগের শির পশ্চিমে, উত্তরে উদর, দক্ষিণে পিঠ ও লাজুল পূব হইতে বায়ু কোণ পর্য্যন্ত থাকে। তিন মাস এই ভাবে স্থির থাকে।

জ্যেষ্ঠ, আষাঢ় ও শ্রাবণ মাসে নাগের শির উত্তরে, পার্শ্ব পশ্চিমে, পিঠ পূর্বে ও লাজুল দক্ষিণ হইতে দৈশান কোণ পর্য্যন্ত থাকে। তিন মাস এই ভাবে স্থির থাকে।

নাগের গতি

(ক) অর্ধদ্বার মহিরাজা নিত্য গম্য ভ্রমন্তীহ। চলিত চরণ দিনে। ষষ্ঠ তিথি সত্ত্বক। হিবহতয়ষ্টসকা। চালতে মেকপাদেক ত্রিভি ত্রিভি ত্রিভি মাসে। (৪৮ পৃঃ) .

(খ) নাগ য়েউঞ্চপে। নীত্যানী চলু অছি তাহা বাণিমা। অচহর মহীরায়। নিনীগৌ মগতী দৌতোং চ। চলী চ চরণ দৌনে দৌনে। অ ত্রিভিসতং চ। দৌবহত পরিসংখ্য চলতী মেক পাদেন। ত্রিভিমােসে। (৫৩-৫৪ পৃঃ) দৈশান্য কোণ মাড়ি নাগ চলুছি। ৫। (৫৬ পৃঃ)

(গ) বাস্তু প্রমাণে ন হি তন্ত গাত্রং বামেন সেনি সমতিত কালং।

ত্রিভিনমাসে পত্তিহুত্ব ভূমৌ তং বাস্তু নাগ প্রবদন্তি সিদ্ধঃ। অত্যাখঃ।

বাস্তু যেতে সর্প গাত্র যে দেহ তে নোহি। বাম অঙ্গ মাড়ি ক্ষে থাকে। তিন মাসে ভূমোক বোলন্তে দিগে লেখা এ খাউ থাকি। বাস্তু নাগ এমন্ত বুলি সিদ্ধমানে ঋষিমােনে বোলন্তি।

পূর্বা দিক্ শিবঃ কূর্বা নাগপেতে ত্রিভিঃ ত্রিভিঃ ।

ভাদ্র বা দৈর্বা মু পার্শ্বে তস চচক্রেতে শুভং গৃহং ॥

নাগশির পূর্বে থাকে। ঈশান কোণ ঠাকু তিনি মাস দিগে লেখাএ যাই। এ তিনি মাস যে ২০ দিন এমন্তে দিগ নউ ২০ ভাগ হোই। এমন্তে ২০ দিনে দিগ ভোগ করই। এহি প্রমাণে পূর্ব দক্ষিণ পশ্চিম উত্তর এ চারি দিগ চলই এরূপে।

- (ঘ) তিনি দিগ মাড়ি শুভই। দিগক অনাক্রান্ত পাই ॥
 বামপাক্ষ মাড়ি নাগ। শোইণ বাস্ত করে ভোগ ॥
 ঈশাঙ্ক কোণু আত্ম হোই। তিনি মাস পূর্বেরহই ॥
 বাস্তর যেতে পূর্ব দিগ। দিনকু দিন করে ভোগ ॥
 নউ দিবসে শেষ হোই। দক্ষিণদিগকু মাড়ই ॥
 এহি প্রকারে চারিদিগ। ভোগ করই বাস্ত নাগ ॥ (১৩-১৪ পৃ:)।

নোট—ঈশান হইতে অগ্নি কোণ পর্যন্ত পূব দিক,

অগ্নি হইতে নৈঋত পর্যন্ত দক্ষিণ,

নৈঋৎ হইতে বায়ু কোণ পর্যন্ত পশ্চিম, এবং

বায়ু কোণ হইতে ঈশান কোণ পর্যন্ত উত্তর।

(ক) ও (খ) অপেক্ষা অল্প দুইটা সম্পূর্ণ বলিয়া, তাহাদের অনুবাদ করা হইল।

অনুবাদ—ভাদ্র, আশ্বিন ও কার্তিক মাসে নাগশির পূর্বে থাকে। কিন্তু প্রথম দিনে নাগশির ঠিক ঈশান কোণে থাকে। এইখান হইতে প্রতিদিন এক এক পদ সরিয়া (ঘড়ির কাঁটার মত, clockwise) অগ্নি কোণের দিকে সরিয়া যায়। বাস্তর ঈশান হইতে অগ্নি কোণ পর্যন্ত দীর্ঘ ২০ দিয়া ভাগ করিলে এক পদ কত তাহা বুঝা যায়। অথবা এক straight angle কে ২০ অর্থাৎ তিন দিনের সংখ্যা দিয়া ভাগ করিলেও তাহা পাওয়া যাইবে। এইভাবে অন্ত্যস্ত মাসেও নাগের গতি চলিতে থাকে।

নাগের অষ্ট-তাল—

(ক) চক্রশ্রম তবে যথা নাগ তত্র প্রমাণক বিষ্ঠাতো লাংগুল মুখঃ। নাগতে সযজ দৃশ্যক ভাগসৈ আতে তথা। ভাগসত তাঁলমেকো সামস্তা হুগুণ তজ্জথো। সিরহদ্র মুদ্রসে নাতি পুচ্ছ আত্মজন্মঃ। আত্মসৈব লাঙ্গুলেক আনিবা বৃকসনাং ॥ তাল মেকো ফৈণাভাগ দ্বিতাল ক্ষদ্রভা তথা। তুঅনুউদরে শৈব চতুর্থ তাল নাতি দন্ততি। গুহিজৈ পঞ্চতালক যজ্ঞতাল বা জকনঃ সপ্ত তাল অন্ত্যেষেব পুচ্ছ চাষ্টমেবচম্। (১৫-১৬ পৃ:)

(খ) পৃষ্ঠ বত হস্ত চ। চতুর্থম ভবে জনা। নাগ তজ্জ প্রমাণ চ। পৃষ্ঠতো নাগেন্দ্রে
মুখ ॥ নাগ সেতে জত হস্ত চ। ভাগ তজ্জ কার্যএ তথা। ভাগত ভালমেকো। সীমানা
হস্তং তর্গাঃ। ভালমেকো কণাভাগে। ত্তর ভাগ ত্তরতথাঃ। ভীষ ভাল উদরে চৈব।
চতুর্ভাগ নাভীদেশক। হ্রস্বএ পঞ্চভাগ চ। সষ্টভাগ বাহুজবন। সপ্তভাগ আণ্টু চৈব পুচ্ছ
চ অষ্টমেবচঃ ॥ (৪৫-৪৬ পৃঃ)

° (গ) নাগসিঁব আঠভাগ বেবর্তনা সর্প বেউ মাসে বেউ তিনি দিগ দাঢ়ি খাই তিনি
দিগ দাঢ়িলে বেতে হাথ হোই আঠভাগ করিব। আঠভাগর সংখ্যা। রোঁক। ভাল
মেকো কণাশিরঃ দ্বিভাগ কর্ত্তপ্তা। ত্রিভিভাগ হ্রস্বরৈচৈব চতুর্ভাগোদরঃ তবৎ পঞ্চভাগ নাভি-
শৈব বর্ষভাগ শুহকতথা সপ্তভাগ জবনশৈব অষ্টভাগ পুচ্ছয়ে। অতর্থাৎ নাগর যে শরীর
আঠভাগ।

(ঘ)

অষ্টভাগে কৃষাকৃষিঃ প্রথমং শির উচ্যতে।

দ্বিতীয়ে হ্রদয় চৈব তৃতীয়ে তঠরং তথা।

চতুর্থং নাভিকং বিভাগ চ সপ্তমং জবনং তথা।

অষ্টমং পুচ্ছভাগং সার্বাপ রাজঃ প্রকীর্ষিতঃ ॥ (১৪ পৃঃ)

নোট—(ক) ও (খ) এ দেখা যাইতেছে এক ভাগ=১ ভাগ কিন্তু শিরের বেলায় ১ ভাগ=২ ভাগ। তাহা
হইলে আঠ ভাগে ২ ভাগ হ্র, ও নাগের শরীরের বিস্তৃতিকে ২ ভাগ করিতে হইবে। (গ) ও (ঘ) এ আঠভাগ
করার কথা আছে। একেত্রে পূরণ মত রাখা হইল। এবার ভাগগুলির নাম লইয়া কথা।

(ক)	(খ)	(গ)	(ঘ)
শির, শির	কণা	কণাশির	শির
হ্রদ, হ্রদ	ত্তর (=হ্রদর)	কর্ত্ত	হ্রদর
উদর, উদর	উদর	হ্রদর	তঠর
নাভি, নাভি°	নাভি	উদর	নাভি
পুচ্ছ, শুহিজ (=শুহ)	হ্রদর	নাভি	শুহ
জাহ, জব্বা	জাহু জবন	শুহক	জাহু
জব্বা	আণ্টু (=হাঁটু)	জবন	জবন
আহু, অণ্টা (=কোঁদর)	পুচ্ছ	পুচ্ছ	পুচ্ছ
লাজুল, লাজুল			

সামঞ্জস্য আনিতে চেষ্টা করিয়া এই করটা অংশ লইতে হ্র—কণা, হ্রদর, উদর,
নাভি, শুহ, জাহু, জব্বা, পুচ্ছ।

অনুবাদ—নাগ বত খানি ভূমিতে শুইয়া আছে, তাহাকে ২ ভাগ (১) কর। তাহার প্রথম

দুই ভাগে এক তাল, তাহা শির, তারপর প্রতি ভাগ এক তাল, যথাক্রমে হৃদয়, উদর, নাভি, শুভ্র, জাহ্নু, জম্বা, পুচ্ছ।

নাগের অঙ্গ বিশেষে শুভ স্তম্ভ পড়িলে তাহার ফলাফল।

গৃহ নির্মাণ করার আগে শুভ দিন কণ দেখিয়া নানারকম পূজা করার পর জমিতে প্রথম গর্ত খুঁড়িয়া যে স্তম্ভ বসান হয়, তাহাকে শুভস্তম্ভ বলে। তাহার বিস্তৃত বিবরণ পরে দেওয়া হইবে। এখানে কেবল নাগের শরীরের কোন অংশে শুভস্তম্ভ পড়িলে কি হইবে, তাহাষ্ট বলা হইয়াছে।

(ক) নাগর স্তম্ভ জহি পড়িলে ঘটদারা পুত্র প্রণাশে ভীতি। খননমন্তকে নাগ গবাহি ত্রীসম্পদ যদি জটরে। ত্রীবভোগ্য রূপতে নাভি খ্যাভোগ্য জাতর ত্রিসোভ এহয় দেশ বিরোধ ॥ জাহ্নুদীর্ঘ সবাসোক্ষ ক্তাবলতয় দৌদেদশঙ্করোগী ॥ সৌরা মৃতু ভয়ে বিধাৎ। পিঠি শোক দারিদ্র্যে পুচ্ছ বিবিধ ভোগ্যানি। ক্রোটেন অর্থ সম্পদ শির থন্তে ভবে মৃত্যু। গ্নহা পুত্র শোক পুচ্ছ সাধন নাসস্য। উদরে সর্বসম্পদ ॥ (১৬-১৭ পৃঃ)

(খ) নাগর যেউ স্থানে খণ্ড পড়িলে তহীর লক্ষণ কহীবা। অর্থঃ। সিরেরে মৃতু দিঅঙ্গ। পুট্টেরে সোঁক সংস্থাপ তুঙ্গ। ক্রোড়েরে অর্থ দীঅঙ্গ। গলারেরে পুত্রসোঁক হোঁঙ্গ। পুচ্ছ উদরে খননান্ত বর্ধমান হোঁঙ্গ। (৪৬ পৃঃ)

(গ) শিরঃ সা পৃষ্ঠ পুচ্ছাভ্যাঃ শশ্বরোতদিগন্তএ শয়নে বাম পার্শ্বেন তস্য ক্রোটে শুভং গৃহং। অথৈবাথ'। শির মন্তক, পৃষ্ঠ বোলন্তে পিঠি। পুচ্ছ বোলন্তে লাঞ্জ। সত্র খেত বোল তিনি দিগ মাটি থাই। বাম অঙ্গ মাটি শোই থাই। তস্য ক্রোটঃ শুভং গৃহং। গৃহ বোলন্তে ক্রোট বোলন্তে পেটেরে গৃহ শুভ দেলে সর্ব ভোগাদি হোই।

* * * * *

কঁউ তালরে শুভ দেলে কি হোই। শ্লোক। দারাপত্য প্রণাশে ভবতি চ খননে মন্তকে নাগরাজি ত্রীসম্পত্তি প্রভূতো যদি হৃদয় জঠরেষা ব ভোগৌরূপেত। নাভি গাত্রেরে রতিশয়ভয়দো গুহসংদেহ ভোগং। জাহ্নু দীর্ঘপ্রবাসো খলুমপি শেষেরে পুচ্ছদেশে বিরোঃ। অর্থ'। সর্পর মন্তক যে ফেণা এ ফেণারেরে শুভ দেলে গৃহস্থ পুত্রনাস যাই। খনন বোলন্তে কঠ। এখি শুভ দেলে ভাৰ্ঘ্যা নাশ যাই। হৃদয়েরে শুভ দেলে ত্রীসম্পত্তি নাশ যাই। জঠর যে পেট এখি শুভ দেলে সকল ভোগাদিমান হোই। নাভীরে শুভ দেলে শক্রভয় হোই। গুহরেরে শুভ দেলে ভোগ করই। জাহ্নুরে শুভ দেলে গৃহস্থ দীর্ঘ প্রবাসী হোই। গৃহভোগ করি ন পারই। পুচ্ছেরে শুভ দেলে বিরোধমান হোই। এমন্ত হোই নাগ অষ্ট শরীর অষ্টতাল বিবেচনা। সংক্ষেপ করি বৃধ যে পণ্ডিত মানে বাস্তব অর্থ দেলে দে গৃহেরে গৃহস্থ অত্যন্ত সুখার্তি পাই। ত্রীসম্পত্তি পাই। ইতি নাগ পরিমাণ সমাপ্তি।

(ঘ) দারাপত্য প্রণাশে ভবতি চ খননে মন্তকে নাগরাজঃ।

ত্রীসম্পত্তিঃ প্রভূতঃ যদি হৃদয় জঠরে সর্বভোগৈরূপেতঃ ॥

নাভোকীর্ণং ত্রয়াতে রতিশয় শুভদো গুহ দেশে চ রোগে।

জায়েদীর্ঘপ্রবাসী ক্ষয়মপি জঘনে পুচ্ছদেশে চ মৃত্যু ॥

নোট—(ক) এ “নাগর……সো দেশকরোগী” পর্য্যন্ত (খ) এর শুদ্ধ শ্লোকটির অতি বিকৃতরূপ অতএব শুদ্ধ শ্লোকটির অনুবাদ যথেষ্ট। ফেবল (ক) (খ) উভয়েতেই ‘পিঠ ও ‘ক্রোড়’র স্বন্ধে আরও দুই শুভাশুভ ফল থাকা হইয়াছে।

* অনুবাদ—নাগরাজের মস্তকে শুভতন্তু পুঁতিবার জন্ত জমি খুঁড়িলে স্ত্রী পুত্রের মৃত্যুভয় হইবে, হৃদয় ও জঠরে খুঁড়িলে শ্রী, সম্পত্তি ও প্রভুত্ব; নাভিতে খুঁড়িলে শত্রুর ক্ষতি ও গৃহস্থের অভিশয় শুভ হইবে; গুহদেশে খুঁড়িলে রোগ, জাহ্নুতে দীর্ঘপ্রবাস, জঙ্ঘা ও পুচ্ছ মৃত্যু।

পিঠের দিকে শুভ পড়িলে শোক, সন্তাপ হয়, ও ক্রোড়ের দিকে পড়িলে অর্থলাভ হয়।

নাগের বিভিন্ন স্থানে গৃহের প্রবেশ দ্বার হইলে শুভাশুভ ফল।

(গ) নাগ বিধিধার লক্ষণ ॥ নাগস্থান স্থান দ্বারে বিশ্বকর্মা চতোষিত দোষগুণ দমাসান্ত কথিতং বাস্তু বিস্তর ॥ অর্থ। নাগর স্থান মণি দ্বার করিব। এমনস্ত বোলি বিশ্বকর্মাণি বোইলে দোষগুণ মনি বুঝি নাগ স্থানে দ্বার কলে ধনজন পুত্র বহুত হোই ঘর শুভকালে যেমন্ত নাগর আঠতাল বুঝি হৃদয় জঠরে শুভ দেই এবে সেহি প্রকারে করি পরিণাম করি বুঝি নাগ হৃদয়রে জঠরে দ্বার করিব। এ ভাল হোই। আউস্থানমানকরে ঘর কলে বিরোধ হোই।

অনুবাদ—নাগের কোনখানে দ্বার হইতেছে, তাহা মনে বিচার করিয়া তবে দ্বার করিবে। বিশ্বকর্মা বলিয়াছেন এমন করিয়া দোষগুণ বুঝিয়া নাগের শুভস্থানে (‘স্থানে’=‘শুভস্থানে’ বোধ হয়) দ্বার করিলে ধন জন পুত্র অনেক হইবে। ঘরের শুভতন্তু বসাইবার সময়ে যেমন নাগের আঠতাল বাহির করা হইয়াছিল, তেমনি করিয়া হৃদয় ও জঠর বাহির করিবে। এই ইচ্ছা স্থানে দ্বার করিলে ভাল হইবে। অন্তস্থানে দ্বার করিলে বিপদ বা কলহ হইবে।

জ্যোতিষতত্ত্ব

(প্রথম অংশ) গৃহকাৰ্য্য আরম্ভের বিচারে—

মাস ফল

(ক) চৈত্র ব্যাধি মাঘেতি। বৈশাখে ধন সম্পূর্ণ। জ্যেষ্ঠেন পশুচেব। আষাঢ়ে পশুনাশনঃ। শ্রাবণে ব্রহ্মহানি। ভাদ্রবে হানি রোগিণঃ। অসিনে জন দারিত্রে চ।
(২০-২১ পৃঃ)

কার্তিকে ধন লাভয়। মাঘেন বহু শোক বৃত্তা। ফাল্গুনে বহু পুত্রায়। (১৯ পৃঃ)

(খ) এবৈ বারমাস ভগ মন্দ কহীবা। শ্লোকঃ। চৈত্রে ব্যাধি তীষ্টন্তি। বৈশাখে ধনসম্পদ। যেষ্টেণ পশু চৌর্যা চ। আষাঢ়ে পশু নাশনঃ। শ্রাবণে বহুহানী চ। ভাদ্রবে বহু রোগিণী। অসিত্তে জন নস্তন্তি। কার্তিকে ধন লাভক। মার্গশিरे বহুধন চৈব। পুসেণ টঙ্করং ভবেত। মাঘে বহু শোকঃ চ। ফাল্গুনে বহু পুত্রকং (৪৮ পৃঃ)

(গ) এবৈ গৃহমাণ ফল কহিবা।

শ্লোক। চৈত্রে চ শোকমবাপ্নোতি।	গৃহকারয়েন্নয়ঃ।
বৈশাখে ধন রত্নানি।	জ্যেষ্ঠে মৃত্যু বিনির্দিশেৎ।
আষাঢ়ে ধননাশক।	পশু বৃদ্ধিমবাপ্নুয়াৎ।
শ্রাবণে ভূমিলাভায়।	হানি ভাদ্র পদে তথা।
পত্নী নাশক বাশ্বিনে।	বহু ধাত্তানি কার্তিকে।
মার্গশিरे ধনঃ প্রাপ্তি।	পৌষে চৌরভয় তথা।
মাঘে অগ্নিভয়ং কুর্ঘ্যাৎ।	ফাল্গুণে কাকনং ভবেৎ ॥

অর্থ। চৈত্র মাসে শোক জাত হোই। বৈশাখে ধন রত্নানি হোই। জ্যেষ্ঠে গৃহস্থ মরই। আষাঢ়ে ধন হানি হোই। শ্রাবণে ভূমি লাভ হোই। ভাদ্র মাসে সৰ্ব্বহানি হোই। আশ্বিনে ভাৰ্যা মরই। কার্তিকে বহুধন হোই। মার্গশিरे বহুধন হোই। পৌষে চৌরভয় হোই। মাঘে অগ্নিভয় হোই। ফাল্গুনে ধনপুত্র হোই।

(ঘ) বৈশাখে ধন রত্নানি জ্যেষ্ঠে মৃত্যু বিনির্দি শেৎ।

আষাঢ়ে ধন লাভঃ চ পশু বৃদ্ধি মবাপ্নুয়াৎ ॥
শ্রাবণে ভূমিলাভঃ ভাদ্রানি ভাদ্র পদে তথা।
পত্নী নাশশাশ্বিনে চ বহু ভাৰ্যা চ কার্তিকে ॥
মার্গশিरे ধনাপ্রাপ্তিঃ পৌষে চৌরভয়ং তথা।

অশুভঃ চ ভয়ং বিজ্ঞায়ি মাঘে বিনির্দিশেৎ ॥ (৫ পৃঃ)

ফাল্গুণে কাকনং বে হুত। চৈত্রে শোক পুত্র জাত। (৬ পৃঃ)

অমুবাদ—

মাসেরনাম	ক	খ	গ	ঘ
বৈশাখ	ধনসম্পূর্ণ	ধন সম্পদ:	ধনরত্নানি	ধনরত্নানি
জ্যৈষ্ঠ	পশু চেব,	পশু চৌধা,	মৃত্যু	মৃত্যু
আষাঢ়	পশু নাশন,	পশু নাশন,	{ ধন নাশক { পশু বৃদ্ধি	{ ধনশাত { পশুবৃদ্ধি
শ্রাবণ	ব্রহ্মহানি	বহু হানি,	ভূমি লাভ	ভূমি লাভ
ভাদ্র	হানি রোগিন:	বহু রোগীণী,	হানি	হানি
আশ্বিন	জন দারিদ্র	জন নশ্বস্তি,	পত্নীনাশ	পত্নীনাশ
কার্ত্তিক	ধন নাভয়	ধন লাভক	বহুধন্যানি, বহুধন	বহুভাণ্ডা
অগ্রহায়ণ		বহু ধন	ধন: প্রাপ্তি	ধন প্রাপ্তি
পৌষ		টঙ্কর	চোর ভয়	চোর ভয়ং
মাঘ	বহু শোকবৃত্তা	বহু শোক	অগ্নি ভয়	অগ্নি ভয়
ফাল্গুন	বহু পুত্রীয়	বহু পুত্রক	কাঞ্চনং ধনপুত্র	কাঞ্চন-সুত
চৈত্র	ব্যাধি	ব্যাধি	শোক	শোক

পক্ষফল

(ক) কৃষ্ণ গুরু বেণী পক্ষর কথা ॥ শ্লোক ॥

শুক্লপক্ষে ভবে সুখ্য কৃষ্ণেণ টসকর ভবেৎ

তৈশ্বা বিচার ক্রতইব যদি চেত মহাহানি ॥ (২১ পৃঃ)

(খ) কৃষ্ণপক্ষে তঙ্কর চোরভয় হোজি। শুক্লপক্ষে শুখ সম্পদ দেই। (৪৯ পৃঃ)

নোট—(ক) এর তৃতীয় লাইনের অর্থ কি এইরূপ—‘যদি মহা হানি (না চাও) তবে (এই সমস্ত) বিচার করিবে।’ ?

অমুবাদ—কৃষ্ণপক্ষে গৃহদায়ক করিলে চোর, দস্যুর ভয়, শুক্লপক্ষে করিলে সুখ সম্পদ হইবে।

বারফল

(ক) ভাস্করে শুভদায়ক। নৃপভয় রবিসুতে ভূমি পুত্রেন নাশকঃ। অশুভক্রে বৃষবারেন গৃহকর্ম্মানি কারয়ে। ইতি বদতি বরাহে ॥৫॥ মালতী বৃত্তরে সতি ॥ আদিত ভূমি বর্জয়েতু। শ্রবেণার শুভাবহ অশেষ্ত। পিত ক্রতইব। অমুখা পরিবর্জয়ে (২১ পৃঃ)

(খ) এবে সাত বা লক্ষণ কহিব। শশি রেশ দারিদ্র চ। ভাস্করে শুভদায়কঃ। অগ্নিভয়ে রবিপুত্রে। বৃষ গুরু শুক্রবারেণ। গৃহ কার্য্যানি কারএ (৪৯ পৃঃ)

(গ) বারশুদ্ধি ॥ শশি কলহ দারিদ্রে। ভাস্করে হৃদি দাড়ে শোকবিল রবিপুত্রে ভূমিপুত্রে মৃত্যে। বৃষশুক্র কবিবারে সন্তলয়ে প্রশস্তে। ইতি বদতি বরাহে। মালতী

বৃত্তরেণা ॥ অর্থ। গৃহার্ঘট দেবাকু। সোমবারে কলহ হোই। দারিদ্র্য হোই। রবিবারে
অগ্নিদাহ হোই। শনিবারে শোক হোই। ধনক্ষয় হোই। মঙ্গল বারে মৃত্যু হোই। বুধবার
গুরুবার শুক্রবার এ তিনি বারে গৃহ ঈশান কলে ধন সম্পত্তি হোই। বারফল।

বদেয়ং ভবতি ভানু দিনে অর্থনাশঃ শৌরেণপি

ক্ষিতি স্তু স চ বজ্রঘাতঃ।

প্রাসাদসদ্যপুরপুষ্করিণীক্রিয়াস্ত ধর্মার্থ বাঞ্ছিত ফলানি শুভাগ্রহানি।

(ঘ) বহুর্ভয়ং ভবতি ভানু দিনে অর্থনাশঃ।

শৌরের্দিনে ক্ষিতিস্তু স চ বজ্রঘাতঃ ॥

প্রাসাদসদ্যপুরপুষ্করিণী ক্রিয়াস্ত।

ধর্মার্থ বাঞ্ছিত ফলানি শুভ গ্রহাণাং ॥

সোমবারে কলহ হোই। দরিদ্র হোই দিন ঘাই ॥ রবিবারে অগ্নিভয়।
শনিবারে ধনক্ষয় ॥ আবার শোকাই দিঅই। মঙ্গলে বজ্রঘাত হোই। গুরু ভার্গবা বুধ তিনি।
শুভে প্রাপ্ত এহা ঘেনি।

অনুবাদ

		(ক)	(খ)	(গ)	(ঘ)
	সোম	—	ক্লেশ, দারিদ্র্য	কলহ, দারিদ্র্য	কলহ দারিদ্র্য
ভূমি পুত্র,	মঙ্গল	নাশ	—	মৃত্যু, বজ্রঘাত	বজ্রঘাত
	বুধ	শুভ	শুভ	শুভ	শুভ
গুরু,	বৃহস্পতি	শুভ	শুভ	শুভ	শুভ
	শুক্র	শুভ	শুভ	শুভ	শুভ
রবিপুত্র,	শনি	নৃপভয়	অগ্নিভয়	শোকবিল, শোক, ধনক্ষয়, অর্থনাশ	অর্থনাশ
	রবি	শুভদায়ক	শুভ দায়কঃ	অগ্নিদাহ, বদেয়ং	ধনক্ষয়, শোক বহিভয়

তিথিফল

(ক) পঞ্চমে উচ্চাটনে তথা দশমী চৌরভয়। একাদশী নৃপতি ভয়। অমিবে পতিন
সহস্তি। ভাৰ্ঘ্যা না সহস্তি পুণিমা। পঞ্চদশ তিথিচৈব। নবমী পরিবৰ্জয়ে নন্দা অর্ধক্ষয় জাতু ॥
তদ্রুদ্ধ পরিবৰ্জয়ে। যয়া নিখনে পুত্রে চৈব। রুজ আপ স্তু পরজাকৃত। পূর্ণত পতিক্ষাতা।
ঈখানে তেষু ভাস্তু। (২৯ পৃঃ)

(গ) তিথিশুদ্ধিঃ। প্রতিপদ গৃহকার্যঞ্চ দ্ব্যংখ প্রাপ্নোতি নিত্যসঃ। অর্থক্ষয় তথা
বষ্টি পঞ্চ মোক্ষাটনং তথা। চৌরভয় দশমীঞ্চ একাদশী দ্বাদশি নৃপাভয়াত। পত্নী নাশঞ্চ

পৌর্ণমাস্তা পতি নাশে কুহস্তথা। অস্তার্থ। গৃহীমানকু প্রতিপদারে সুখী হোই। যজ্ঞিরে ধনক্ষয় হোই। পঞ্চমীরে উচ্চাটন হোই। দশমিরে চৌরভয় হোই। একাদশী দ্বাদশীরে রাজভয় হোই। পৌর্ণমীরে ভাৰ্যা নাশ ঘাই। অমাবস্তাবে গৃহস্থ মরই। চতুর্থী নবমী চতুর্দশী এ তিনি তিথি রিক্ত। এথি গৃহ শুভ দেলে শস্যভয় হোই। দ্বিতীয়া সপ্তমী চৈব তৃতীয়া অষ্টমী ত্রয়োদশী পক্ষেতে ধনরত্নানি স্তম্ভলগ্নে শুভেক্ষণে। দ্বিতীয়া সপ্তমী তৃতীয়া অষ্টমী ত্রয়োদশী এ পাঞ্চ তিথিরে গৃহার্থ দেবাকু শুভ। স্থির লগ্ন হেব। শুভ বেল হেব। এমনস্ত হেলে ত্রীসম্পত্তি হোই। তিথি ফলমাহ। নন্দানাঃ কসি জ্ঞেয়া ভদ্রা মঙ্গল নামদা। নারিক্ত-চ শুখং বিতং পাসোয়চ্ছন্তি যায়ই। মৃত্যিজচ্ছন্তি রিক্ততি গৃহারন্তে শুখং তাজেং। কুহন্দুরি তদা জ্ঞেয়া ভপূর্ণা লক্ষ্মী প্রজচ্ছন্তি পৌর্ণম্যা লক্ষ্মীকর।

- (ঘ) গৃহং কৃত্বা প্রতিপদি হুঃখং প্রাপ্নোতি নিত্যশঃ।
 অর্থক্ষয়ং তথা বর্ষাং পঞ্চম্যাং চিত্তচঞ্চলঃ।
 চৌর ভীতিদশম্যাং তু চৈকাদশ্যাং নৃপাতয়ং।
 পত্নী নাশঞ্চ পৌর্ণম্যাং স্থান নাশঃ কুহৌ তথা ॥
 রিক্তং সর্ব কার্য্যাণি নাশমায়া স্ত সর্বদা।
 দ্বিতীয়া সপ্তমী চৈব তৃতীয়াষ্ট ত্রয়োদশী ॥
 পঞ্চম স্তম্ভ কস্ম্যগি স্থির লগ্নে শুভেক্ষণে ॥

অনুবাদ—

	(ক)	(গ)	(ঘ)
প্রতিপদ	—	হুঃখ, সুখী	হুঃখ
দ্বিতীয়া	—	ধনরত্ন, শুভ	শুভ
তৃতীয়া	—	ধনরত্ন, শুভ	শুভ
চতুর্থী (রিক্ত)	—	শস্যভয়	সব কার্য্য নাশ
পঞ্চমী	উচ্চাটন	উচ্চাটন	চিত্তচঞ্চল
ষষ্ঠী	—	অর্থক্ষয়	অর্থক্ষয়
সপ্তমী	—	ধনরত্ন, শুভ	শুভ
অষ্টমী	—	ধনরত্ন, শুভ	শুভ
নবমী (রিক্ত)	—	শস্যভয়	সব কার্য্য নাশ
দশমী	চৌর ভয়	চৌরফয়	চৌরভীতি
একাদশী	নৃপতিভয়	নৃ ভীতি	নৃপতয়
দ্বাদশী	—	নৃপভীতি	—
ত্রয়োদশী	—	ধনরত্ন, শুভ	শুভ
চতুর্দশী (রিক্ত)	—	শস্যভয়	সর্ব কার্য্যনাশ
পূর্ণিমা	ভাৰ্যা ন সহস্তি	পত্নীনাশ, লক্ষ্মী	পত্নীনাশ
অমাবস্তা	পতি ন সহস্তি	পতিনাশ	স্থান নাশ

রবিশুদ্ধিঃ

(গ) রবিশুদ্ধি শ্লোক। ষড়রাশিস্থিতং সূর্য্যঃ দ্বিষষ্ঠদশলাভক একাদশ দ্বিপঞ্চ নবমোপাষ্টা ত্রয়োদশ বিনাৎপরং। প্রথমে রবিগোচর শুদ্ধি হোইব। ৩য়, ৭ষ্ঠ, ১০ম, ১১শ ইয়ে চারি রাশিঞ্চ ১ রাশি হোইব। ২য়, ৫ম, ৯ম, এ তের দিন উতাক তন্ত হোই। আউ পাঞ্চরাসি জন্ম ১, চতুর্থ ৪ সপ্তম ৭, দ্বাদশ ১২। এতেথারে সূর্য্য থেলে বিয় হোই। রবিশুদ্ধি। জন্মভকং ত্যজে বিধান বদৌচ্ছেদাশ্রয়ঃ শুভঃ। জন্মভকে সনারায়ো ভাৰ্য্যাপুত্রাদি সংক্ষয়। দ্বিতীয়ে ধননাসন্তাৎ। তৃতীয়ে ধনসম্পদঃ। চতুর্থে বন্ধু বৈষম্যং। পঞ্চমে পুত্র সংক্ষয়। ষষ্ঠে ধনাদি সম্প্রাপ্তি। গৃহছিদং তু সপ্তমেঃ অষ্টমে নিরতে ভর্ত। নবমে কীর্তিনাশনং। দশমে ধনধাত্তাদি। ধর্ম্মশ্চৈকাদশ রবৌ। শোকব্যাধি বিপর্জ্জন বিরধা দ্বাদশে তিতে॥ ইতি রবিশুদ্ধিঃ।

(ঘ) জন্মরাশেঃ শুকঃ সূর্য্যৎস্নি-ষষ্ঠ দশ লাভগঃ।

দ্বিপঞ্চ নবমোপাষ্টা ত্রয়োদশ দিনাৎপরং॥

এ অন্তে রবিশুদ্ধি শুণ। গৃহকর্ম্মরে যে কারণ॥ তৃতীয় ষষ্ঠ বেদশম। একাদশ যেনি উত্তম॥ দ্বিতীয় নবম পঞ্চম। তেরদিন অন্তে উত্তম॥ জন্ম চতুর্থ সপ্তম। দ্বাদশ আবর অষ্টম॥ পাঞ্চ রাশিরে সূর্য্য থিব। সর্বদা শুভকু ন দেব॥ (৬ পৃঃ)

অনুবাদ—গৃহকর্ত্ত। যে রাশিতে জন্মগ্রহণ করিবে, তাহাকে জন্মরাশি বল, হইল। সে রাশিতে সূর্য্য থাকিলে ঘরের শুভসুখ স্থাপন করিবে না। তাহা হইতে গণিতে আরম্ভ করিলে, তৃতীয়, ষষ্ঠ, দশম একাদশ রাশিতে লাভ; দ্বিতীয় পঞ্চম, ও নবম এবং ত্রয়োদশ ইহারও উত্তম। প্রথম, চতুর্থ, সপ্তম, অষ্টম ও দ্বাদশ রাশিতে কখনও শুভ দিবে না।

দ্বিতীয়ে ধননাশ; তৃতীয়ে ধনসম্পদ; চতুর্থে বন্ধুবৈষম্য; পঞ্চমে পুত্রের মৃত্যু; ষষ্ঠে ধনপ্রাপ্তি; সপ্তমে গৃহভেদ; অষ্টমে দ্বার মৃত্যু; নবমে কীর্তিনাশ; দশমে ধনধাত্তলায়; একাদশে ধর্ম্ম; দ্বাদশে শোক, ব্যাধি, বিরোধ প্রীত্বিত হইবে।

রাশিফল—

(গ) বুধ। সিংহ। বিছা, কুন্ত কোন কার্যে শুভফল।

নক্ষত্রফল—

(গ) নক্ষত্রফলং। আদিত্যাদয় বোহিণী মৃগশিরো জ্যেষ্ঠা ধনিষ্ঠা উত্তরা। পৌষ বিষ্ণুমৃগাশ্বিনাধা শুক্লি শুদ্ধে স্পৃহিত্রাণিতে। সোমানা দিবসে শাপরহিতে যোগেভিরিক্তে তিথৌ। বিষ্টিত্যক্ত দিনে বদন্তি মুনয়ো বেদাদি কার্য্য শুভা॥ অর্থ। গৃহ স্থানারোপণ কু নক্ষত্র শুভফলং। আদিত্য ঞয় বোলন্তে ১৩১৪১৫১৬১৭১৮১৯২০২১২২২৩২৪২৫২৬২৭২৮২৯৩০ এত নক্ষত্র শুভফল অটই।

জ্যোতিষতত্ত্ব

(দ্বিতীয় অংশ, গৃহের সম্বন্ধে)

বন্ধ

(ক) দ্রঘবা জত্রহস্তক। প্রাত হস্তেন গুণএতে। অষ্টাভি হরতে পিণ্ড। সেম বন্ধ
আয়তে। (২৬ পৃঃ) ধজ ১। ধুমি ২। সিংহ ৩। জ্ঞান ৪। বুধ ৫। খর ৬।
গজ ৭। ধনস ৮। (৫০ পৃঃ)

(খ) দীর্ঘবাজতহস্তক। প্রাত হস্তে চ গুণএত। অষ্টমর্তিহরতে পিণ্ড। শেস
বন্ধস্ত উচ্যতে। শ্রী। ধবজ। ধুম। সিংহ। ধন। বুধ। খর। গজ। ধবজ। ৮।
এ অষ্ট বন্ধ। (৫০ পৃঃ)

(গ) ঘর বন্ধ ধরণকু ধরণ ধার। বাস্তভূমি যেতে বথরাকু যেতে হাত হোই এহাকু
দীর্ঘ বোলি। ঘরর গভীরকু প্রাত বোলি। দীর্ঘ হাথ থোই প্রতি হাথ গুণিমা। গুণন্তে
গুণনা ঘন যেতে হোই এহাকু বাস্তর ঘন হাথ বোলি। এ ঘন হাথ উপর কর থোই থাঙ্গি।
এ ধরণ মানক মূল রাশিটী। তল করি এহা ঘন হাথ থোইবা। অষ্টবন্ধ ধরণ নিমিতে
আঠভাগে হরিব। উপরে শেব যেতে অংস রহিলা। এ ঘরর বন্ধ হোই। ধবজ ধুম
সিংহাযুধান বুধ খর স্তথা। গজধবসাতাতে চৈব গৃহে বন্ধ স উচ্যতে। অস্তার্থ। এক বন্ধ
হেলে ধবজবন্ধ হোই। দুই বন্ধ হেলে ধুমবন্ধ হোই। তিনি বন্ধ হেলে সিংহ বন্ধ হোই।
চারি রহিলে ঘানবন্ধ হোই। পাঞ্চ রহিলে বুধবন্ধ হোই। ছয় রহিলে খরবন্ধ হোই।
সাত রহিলে গজবন্ধ হোই। আট রহিলে ধবসবন্ধ হোই। এমন্তে অষ্টবন্ধ জানিমা।

(ঘ) ব্যাসেন গুণিতং দৈর্ঘ্যমষ্টাভিভাজিতং পুনঃ।

শেবং ধবাজাদিকং জ্যেয়ং পূর্বাদিভবনাষ্টকে ॥ (৯ পৃঃ)

অনুবাদ—ঘরের যে লম্বাই তাহাকে দীর্ঘ বলে। ঘরের যে চৌড়াই তাহাকে প্রতি
(= প্রস্থ) বলে। দীর্ঘ হাতকে প্রতি হাত দিয়া গুণ করিলে, ঘরের ঘন হাত পাওয়া
যাইবে। “এইটা মূল রাশি।

এই রাশিকে আঠ দিয়া ভাগ কর। যদি ১ থাকি থাকে তবে ঘরের বন্ধ ধবজ ;
২ থাকিলে ধুম ; ৩ থাকিলে সিংহ ; ৪ থাকিলে কুকুর (= ঘন—> ঘান) ; ৫ থাকিলে
বুধ ; ৬ থাকিলে খর ; ৭ থাকিলে গজ ও ৮ অর্থাৎ ভাগ সম্পূর্ণ হইলে ধবাজ
(= কাক)।

বন্ধের শুভাশুভ ফল

(ঘ) , ধবজে বিভূতির্মরণ চ ধূমে।

সিংহে জয়ঃ শ্রী চ করোত্যনর্থঃ

ভোগে বৃষে হানিকরঃ থরে চ ।

কাকপদে চ হুঃখঃ ॥ • (১০ পৃঃ)

অম্ববাদ—ধ্বজে বিভূতি ; ধূম্রে মৃত্যু ; সিংহে জয়, কুকুরে অনর্থ ; বৃষে ভোগ ঘরে হানি ; গজে পুষ্টি ও কাকে হুঃখ লাভ হয় ।

বন্ধুভেদে গৃহভেদ

• (ক) ধজে দেবগৃহ কজাত । ধূমেণ হোমশালেক । সিংহেন শ্রবণচৈব । স্মেনে কুট শালেক । বৃষবে ঘর বাত ব্রাত । ঘবেন অশ শালেক । গজেন রত্নঘর কজাত । ধমেন সহস্র শালেক । (৫০ পৃঃ)

• (খ) জেউ বন্ধরে জেউ ঘর করিব তাহা জানিমা । শ্লোক ।

ধ্বজে দেবগৃহং কুর্যাৎ । ধূমেণ হোমশালিকা । সিংহেন শিরিঘরং কুর্যাৎ । (৫১ পৃঃ)

(গ) এবে কেঁউ ঘর কেঁউ বন্ধরে তোলিবা তাহা জানিমা । ধ্বজেন দেবগৃহং কুর্যাৎ ধূমেন হোম শালকং । সিংহে শ্রীঘরং কুর্যাৎ স্থানে কুটীনশালক । বৃষে অন্তঃপুর কুর্যাৎ থর * পশু নিয়োজয়েৎ । গজে ভণ্ডারকশ্চৈব । ধূম্রেনঃ শস্ত্রশালকং । অর্থ । ধ্বজবন্ধে দেবগৃহ করিব । ধূম্রবন্ধে হোমশালা করিব । রত্নঘর করিব । খন্ডাঘর করিব । সিংহবন্ধে শ্রীঘর । শ্রীঘর বোলন্তে ঘো ঘর বড় সে ঘর বেহেরন ভোগাদি করিব । স্থান বন্ধে নানাপ্রকার বুটুনি ঘরমানক বলন্তে যে পবনযন্ত্রঘর এমন নানা কুটুনি ঘরমান হোইব । বৃষবন্ধে অন্তঃসরপুরকু জাত বোলন্তে । আপনার অঙ্গভোগ করিবা । কুটুম্বাদি ঘর করিব । খরবন্ধে হাতীশালা বোড়াশাল পশুজন্তুমানকু শাল করিব । গজে ভণ্ডার বোলন্তে ভণ্ডার করিব । গস্তাঘর করিব । দ্রব্য থোইবা ঘর যে তাহা করিব । ধ্বংস বন্ধ শস্ত্র সাল বোলন্তে ঝিমিসাল ঘর মাঞ্জের কিঅবা সৈন্তাঘর করিব । এমন্তে অষ্টবন্ধ অষ্টপ্রকারে ঘর করিব ।

(ঘ) . ধ্বজে দেবগৃহং কুর্যাৎ ধূমে চ হোমশালকঃ ।

সিংহে চ শ্রীঘ্র কুর্যাৎ স্থানে কুটুগী শালকঃ ॥

বৃষে অন্তঃপুর কুর্যাৎ থরে পশুনিয়োজয়েৎ ।

গজে ভণ্ডারকং চৈব ধ্বংসে চ শস্ত্র শালকঃ ॥

নোট—থন্ডা = সারি সারি ঢুলী ।

বেহরণ = সভা, অপভ্রংশ 'বেহরন' ।

কুটুনিঘর = টেকীশালা।

গম্ভাঘর = ভাড়ার ঘর।

বিমিশাল = শত্রু তৈয়ারী করিবার ঘরে যে আশুপ থাকে।

সাজু, সাজোয়া, সাজুআ = বুকের সজ্জাবিশেষ।

ধ্বংস, ধ্বংস প্রভৃতি ধ্বংসের অপভ্রংশ।

অনুবাদ—ধ্বজবন্ধে দেবগৃহ করিবে; ধ্বজে হোমশালা অথবা রান্নাঘর; সিংহে সভাঘর; কুকুরে টেকীশালা; বৃষে অন্তঃপুর, সেখানে কুটুম্বদের ঘর করিবে; ধ্বংসে হাতীশালা ঘোড়াশালা, অথবা অস্ত্র জন্তুদের জন্তু ঘর করিবে; গজের ভাড়ার ঘর; কাকবন্ধে অস্ত্রশালা, অথবা সৈন্যদের থাকিবার জন্তু ঘর করিবে।

বন্ধভেদে দ্বারভেদ

(ক) দ্বার বিচারক। ধ্বজের পশ্চিমে দ্বার শ্রীকরে সিংহমেঘ চ। প্রবেশদ্বার বৃষে সব। দক্ষিণে গণমেঘ চম। ধ্বজের নৈরতে দ্বার। ধ্বংসে বাবই তথা। ঈশানে স্থান পূজো ॥ খরচে দ্বার অষ্টিকা। (৩১ পৃঃ)

(খ) যেউ বন্ধের যেউ আড়কু দ্বার তাহা যাগিমা। ধ্বংসে পশ্চিম দ্বার। উত্তরে সিংহ মেঘ চ। পূর্বদ্বার বৃষশ্চ ব। দক্ষিণে গজমেঘ চ। ধ্বংসে নৈঋত দ্বার। ধ্বজের বয়বস্তা। ঈশানে স্থান পূজো। খর চ দ্বার অগ্নয়ঃ। (৫০-৫১ পৃঃ)

(গ) ধ্বজ ধ্বংস পূর্বদ্বারে সিংহ স্থানকে দক্ষিণে বৃষধর পশ্চিমা দ্বার গজধ্বংস চ উত্তরে। অর্থাৎ ধ্বজ বন্ধ ধ্বংস বন্ধ পূর্ব দিকে আছে। সিংহবন্ধ স্থানবন্ধ দক্ষিণ দিকে আছে। বৃষবন্ধ খরবন্ধ পশ্চিম দিকে আছে। গজবন্ধ ধ্বংসবন্ধ উত্তর দিকে আছে। এহাঙ্ক এ দিগমানে ঘর। সদা সর্বদা দিনে এ বন্ধমানে এ দিগরে থাকি। এহাঙ্কর আউ চলিবার নাহি। এ ঘর যেউ বন্ধে হোই থিবে সে বন্ধকু সে দিগ দ্বার।

বৃষবন্ধ পূর্বদ্বারে গজশ্চ দক্ষিণা মুখঃ।

ধ্বজশ্চ পশ্চিমদ্বারে সিংহে গৃহর উত্তর ॥

অর্থ সিংহবন্ধে ঘর হেলে উত্তর দ্বার করিব। বৃষবন্ধে ঘর হেলে পূর্বদ্বার হোইব। গজবন্ধ হেলে দক্ষিণ দ্বারে হোইব। ধ্বজবন্ধ হেলে পশ্চিম দ্বার হেব।

(ঘ) বৃষবন্ধ ঘরর দ্বার। পূর্বদ্বারে মুনিঘর। ১। গজবন্ধ দ্বার দক্ষিণে ধ্বজবন্ধ দ্বার পশ্চিমে। সিংহবন্ধে উত্তরদ্বার। দিগ অনুসারে বিচার। (২১ পৃঃ)

অনুবাদ—

বন্ধ	কোন দিকে দ্বার হইবে			
	ক	খ	গ	ঘ
ধ্বজ	পশ্চিম	পশ্চিম	পশ্চিম	পশ্চিম
ধূম্র	বায়ু	বায়ু (১)		
সিংহ	উত্তর (১)	উত্তর	উত্তর	উত্তর
শ্বা	ঈশান	ঈশান		
বৃষ	পূর্ব	পূর্ব	পূর্ব	পূর্ব
খর		অগ্নি		
গজ	দক্ষিণ	দক্ষিণ	দক্ষিণ	দক্ষিণ
ধর্বাংক	নৈঋত	নৈঋত		

বন্ধের সম্বন্ধে একটী কথ।

• আমার এক টুকরা ভূমি আছে, তাহার বন্ধ বাহির করিতে গিয়া যদি তাহা কুর্কুর বন্ধ হয়, তবে শাস্ত্র অনুসারে সেখানে ঢেঁকিশাল করিতে হইবে। তাহা হইলে কি শুইবার, থাকিবার ঘরের প্রয়োজন নাই ?

বোধ হয়, রাজবাড়ীতে (কেননা হাতীশাল, সৈন্যশাল রাজবাড়ী ছাড়া আর কাহারও বাড়ীতে থাকিবে না) সর্বসমেত ৮ রকম ঘর হইত এবং সেগুলির দরজা সবগুলি আঠদিকে হইত। জ্যোতিষশাস্ত্র অনুসারে সেগুলিকে মঙ্গলদায়ক করিবার জন্য এমন লম্বাই চৌদ্দাই লওয়া হইত, যে ঘরের বর্গক্ষেত্রে ৮ দিয়া ভাগ করিলে যথাক্রমে ১, ২ প্রভৃতি সংখ্যা থাকিত। এবং তখন যথাক্রমে সেই সব জমিতে দেবগৃহ হোমশালা প্রভৃতি হইত। তাহার পর পূর্বের ব্যবস্থা অনুসারে কোন ঘরের দরজা কোন দিকে হইবে তাহাও জ্যোতিষী হয়ত বলিয়া দিতেন।

গৃহের নক্ষত্র

(ক) নৃপতি পগেণ হারএতে। সেস অংশং বিজানিয়। ততো ঋক্ষ বিনিদৃষ্টতে।
(৪৯ পৃঃ)

(খ) শ্লোকঃ। অষ্টভী হরতে পিণ্ড। ঋক্ষভাগেন হারএত। সেস অংশ বীধানীত।
তত্র ঋক্ষ বেনীদৃষ্টতে। (৫১-৫২ পৃঃ)

(গ) অষ্টাভি গুণিতং পিণ্ডং ত্রিধাভাগেন হারয়েৎ।

শেষ ঋক্ষ বিজানিয়া শ্বিনদি গণিতে বৃধঃ।

অর্থ। ধরর পিণ্ড যে ঘনহস্ত যেতে হাথ থোই এথকু অষ্টবন্ধে গুণিম। এ যেতে হোই এথকু সতাইস নক্ষত্রে হরন্তে উপরে শেষেযে রহই সে ঘরর নক্ষত্র হোই। এ নক্ষত্র তিনি পাদ। একপাদ নোহিব। আপনা নক্ষত্রকু নাড়ি নোহিব। তিনি নক্ষত্র তিনি পাদ। একপাদ নক্ষত্র যেবে হোই সে ঘরে বিয় বহত হোই। দুই পাদ নক্ষত্র কি চারিপাদ নক্ষত্র যেবে হোই নাড়ি নোহিলে শুভ তার হোই।

(ঘ) অষ্টাভি গুণিতং পিণ্ডমৃক্ষ ভাগেন হারয়েং।

শেষমৃক্ষং বিজানীয় দক্ষিণাদিকরেণ চ ॥

মূলপিণ্ডকু আঠে গুণি। সাতাইশরে হর পুণি ॥

লঙ্করে প্রয়োজন নাহি। শেষরে নক্ষত্র হুই ॥

ঘর নক্ষত্র হেলা সেহি। বিচার শুভাশুভ তহি ॥

আপনা নক্ষত্রকু পুণি। নাড়ী নোহিব গণি আণ ॥

নাড়ী হোইলে ন করিব। এ পুণি ত্রিপাদ নোহিব ॥

ত্রিপাদ হোইলে ন কর। বিয় করা এ এহি ঘর ॥

দুই পাদ চারি পাদরে। সূখ হুই সেহি ঘরে ॥

এরূপে হোইলে নক্ষত্র। এবে শুন হে আন তত্ত্ব ॥

নক্ষত্রের সংখ্যা

(ক) রেবতী ২৭ দিতি ৭ পিত ৭ মরুতপ ১৫ মূলা ১৯ উতি ১২-২১-২৬। হরি ২২।
সোম ৫। বাজি ১। ধনি ২৩। কমলা ৪। (২২ পৃঃ)

(ঘ) ১ অশ্বিনী, ২ জিহা, ৩ রুত্তিকা, ৪ রোহিণী, ৫ মৃগশিরা, ৬ আর্দ্রা, ৭ পূর্ববহু, ৮ পুণ্যা, ৯ অশ্লেষা, ১০ মঘা, ১১ পূর্বাফালগুণী, ১২ উত্তরা ফাল্গুনী, ১৩ হস্তা, ১৪ চিত্রা, ১৫ স্বাতী, ১৬ বিশাখা, ১৭ অমুরাধা, ১৮ জ্যেষ্ঠা, ১৯ মূলা, ২০ পূর্বাষাঢ়া, ২১ উত্তরাষাঢ়া, ২২ শ্রবণা, ২৩ ধনিষ্ঠা, ২৪ শতভিষা, ২৫ পূর্বভদ্রা, ২৬ উত্তরভাদ্র, ২৭ রেবতী। (২৬ পৃঃ)

টীকা—নাড়ি নক্ষত্র গৃহকর্তার জন্মের সময়ের নক্ষত্র।

একপাদ, ত্রিপাদ ইত্যাদি—একপাদ বলিতে কতকগুলি নক্ষত্র বুঝায়, ত্রিপাদ বলিতেও সেইরূপে কতকগুলিকে বুঝায়। (টিক কোন গুলি এখনও সন্ধান পাই নাই)

অনুবাদ—ঘরের পিণ্ডকে (area) ৮ (বন্ধের সংখ্যা) দিয়া গুণ করিয়া ২৭ (নক্ষত্রের সংখ্যা) দিয়া ভাগ কর। যাহা অবশিষ্ট থাকিবে তাহা গৃহের নক্ষত্র। সেই নক্ষত্র দেখিয়া শুভাশুভ বিচার কর। যদি এই নক্ষত্র গৃহকর্তার জন্মের নক্ষত্র হয় অথবা একপাদ, বা ত্রিপাদ বিভাগে পড়ে, তাহা হইলে সে গৃহে বিপদের সম্ভাবনা আছে। যদি নক্ষত্র দুইপাদ ও চারিপাদের বিভাগে পড়ে, তবে সে ঘরে সুখবৃদ্ধি হইবে।

গৃহের আয়ু ও ন্যাস

(ক) অষ্টাভি ঞ্গস্তে পিণ্ড ॥ বাঠিভাগেণ হীরএতে ॥ শেষ অংশং বিজানিষ্য। ততো জীবন সেতুতে ॥ জীবনস্ত দেবহারিতা সেস জাতিন উচেতে ॥...॥ জীবনস্ত ততহারি তসংসং যুত উচুতে। পৃথি আপাতি আকাস বাকি বএধ আঅচেতে ॥ (৪৯—৫০)

(খ) জীবনসতচচারিতমস্ত যুতংক ভবেত। প্রিআতমায়সপ্রিআ। সাজীব ঞ্গ লম্বতেঃ। পৃথিবী। আপ তেষ। বাইব। অকাস। এ পাঞ্চভূত। (৫২পৃঃ)

(গ) ঘরর পিণ্ডকু আঠে ঞ্গস্তে যেতে হোই। এথকু ঘরর আয়ুস যে ৬০ বর্ষ। এমস্ত ৬০কে হরিবা। উপরে খেব যে রহই সে মরণ স্ততেক হোই। পৃথি আপ ২ তেজ ৩ বায়ু ৪ আকাস ৫ তত্র একেমস্ত পৃথি পড়িলে ঘর আছুরা রহি ভাজি যাই। আপ পড়িলে জলরে ভাজই। তেজ পড়িলে অগ্নিরে দাই হোই। বায়ু পড়িলে বাআরে ভাজই আকাশ পড়িলে চলকে ভাজই। এনিমস্তে ভাজই।

(ঘ) বহুভিগুণিং পিণ্ডং যষ্টিভাগেন হারয়েং।

শেষমংশং বিজানীষ্যাদায়ুর্গেহস্ত কোবিদঃ ॥

পৃথিবী-জল-তেজাংসি বায়ুআকাশ এব চ।

পঞ্চায়ুর্জাতয়ে তত্র ভগ্নদাহাদিকং ক্রমাৎ ॥ (১১ পৃঃ)

উদাহরণ—৪৭২২৮৭২ বর্গ হাত + ৬০, ইহাতে ৩২ বাকি থাকে। $\frac{৬০}{২}=২$ বাকি ; অতএব এই ঘর জলে নষ্ট। (২৭ পৃঃ)

অনুবাদ—জমির লম্বাই ও চওড়াই ঞ্গ করিলে যে বর্গ ক্ষেত্র পাওয়া গেল, তাহাকে ৮ দিয়া ঞ্গ করিয়া ৬০ দিয়া ভাগ কর। যাহা অবশিষ্ট থাকিবে, তাহা গৃহের আয়ু, অর্থাৎ গৃহ তত দিন থাকিবে। (এ গণনা মাটির কাঁচা বাড়ীর সম্বন্ধে।) যত বৎসর আয়ু তাহাকে ৫ দিয়া ভাগ কর। যাহা অবশিষ্ট থাকিবে, তাহা হইতে বাড়ী কিসে নষ্ট হইবে তাহা জানা যাইবে। অর্থাৎ ১ বাকি থাকিলে সে বাড়ি কখনও সম্পূর্ণ হইবে না, ২ থাকিলে জলে ভাঙ্গিয়া যাইবে, ৩ থাকিলে আগুনে পুড়িয়া নষ্ট হইবে, ৪ থাকিলে ঝড়ে ভাঙ্গিবে, ৫ থাকিলে বজ্রাঘাতে নষ্ট হইবে।

গৃহের নবাংশ

(ক) ঞ্গচক্রাণ্ড কুজাঃ। নবভিভাগ কারএতে। মেসং অসং বিজানীষ্যত। টসকরাদিগণিতেবুধ। টসর ১। ভোগ ২। বিতক্ষণ ৩। দাতর ৪। অন্তঅ ৬। পুষেক ৭। দারিত্র ৮। দেব আল ৯। (৪৮ ও ৪৯ পৃঃ)

(খ) ঞ্গচক্রাণ্ড কুজাঃ নবভিভাগ হরএত। সেস অংশ বিধানীত। টসকর হুগুণং দর্থে। টসকর। ভোগ ২। বিতক্ষণ ৩। দাত্রিঅ ৪। নুপতী ৫। উভয়ঃ ৬। অঘূসেক ৭। দারিত্র ৮। দেবালয় ৯। এনব অংস (৫৩ পৃঃ) ।

(গ) ঘর নক্ষত্র যেতে অঙ্ক তাঁহিকি ৪রে গুণিমা। যেতে হোই এথুক ৯রে হরিবা। উপরে শেষ যে রহই সে ঘরর নবাংশ হোই। তক্ষর ১ ভোগ ২ বিতক্ষণলদাতা ৪ নৃপতি ৫ অভয় ৬ নপুংসক ৭ দারিদ্ৰ্য ৮ দেবালয় ৯। তলে লক যে হোইলা সে ঘর রাশি হোইলা।

(ঘ) ঋক্ষং চতুঃশং কুৰ্ঘা ব্রবভাগেন হারয়েৎ ।
শেষমংশং বিজানীয়াৎ রাশিমাংশেৎ ॥
আদৌ চৌরভয়ং ভোগী দ্বিতীয়ে বিত্তনাশনং ।
বহৌ বেদে ভবেদাতা নৃপতী পঞ্চমে তথা ॥
ষষ্ঠে ভয়মবাগ্নোতি সপ্তমে চ নপুংসকঃ ।
বসৌ দরিদ্রতামেতি নবমে বিষ্ণুমন্দিরং ॥

অনুবাদ—ঘরের নক্ষত্রের যে অঙ্ক (অর্থাৎ প্রথম হইলে ১, সপ্তম হইলে ৭ ইত্যাদি) তাহাকে ৪ দিয়া গুণ করিয়া ৯ দিয়া ভাগ কর। বাগ্ন ভাগশেষ রহিল তাহা ঘরের রাশি; অর্থাৎ ১ থাকিলে মেঘ, ২ থাকিলে বুধ ইত্যাদি। ভাগফল যদি ১ হয় তবে গৃহে চোরের উপদ্রব হইবে, ২ হইলে ভোগ হইবে, ৩ হইলে বিত্তনাশন (?), ৪ হইলে গৃহী দাতা হইবে, ৫ হইলে নৃপতি, ৬ অভয়লাভ, ৭ নপুংসকত্ব ৮ দারিদ্ৰ্য ও ৯য়ে সে গৃহে দেবতার মন্দির হইবে।

গৃহের নাগ

(ক) দীর্ঘ দুই মিশ্রিতা ॥ দীর্ঘ দুই গুণ কর হোই ॥ ৩৪ ॥ তপচুভূত ॥ ঋক্ষবস্তু হরতে সৈব ॥ সেস নাগ উনতে : অনন্ত বাসুকি সৈব। তক্ষক ক্রোকেটস্তথা। শজ কুলিক পদ্মজ। মাহাপদ্ম অষ্টএত।

(খ) ঋষভবস্তুহরতে চৈব। সেস নাগর উচ্যতেঃ। আঠনাগনামঃ। শ্লোকঃ। অনন্ত বাসুকী শৈব্যা ৭) তক্ষককোটিকস্তথাঃ। সংখং কুলীক পদ্মং। অষ্টনাগবীধিএতেঃ। (৫২ পৃঃ)

(গ) ঘরর পিণ্ডকু ঘরনক্ষত্রে গুণিমা ৮ রে হরিবা। শেষ যে রহই সে ঘরর নাগ হোই। অনন্ত ১ বাসুকি ২ তক্ষক ৩ কর্কোট ৪ সখ ৫ কুলিক ৬ পদ্ম ৭ মহাপদ্ম ৮ এমন্তে অষ্টকুলা নাগ হোই।

(ঘ) ঋক্ষেণগুণিতং পিণ্ডং অষ্টভাগেন হারয়েৎ ।
অষ্টৌ নাগানমস্তাদীনৃ ভাগশেষং প্রকল্পয়েৎ ॥ (১২)

অনুবাদ—ঘরের পিণ্ডকে তাহার নক্ষত্রের সংখ্যা দিয়া গুণ করিয়া ৮ ভাগ করিবে। ভাগশেষ দেখিয়া ঘরের নাগ কোন্ জন্ তাহা স্থির করিবে। ১ হইলে অনন্ত, ২ হইলে বাসুকী, ৩এ তক্ষক, ৪এ কর্কোট, ৫এ শজ, ৬এ কুলীক, ৭এ পদ্ম ও ৮এ মহাপদ্ম বুঝিবে।

গৃহের ব্যয়

(ঘ) অষ্টীতির্ভাজিতানুচ্ছেৎ ৮ ব্যয়ো ভবেৎ । ০
দ্যায়িক্যাং ন কর্তব্যং গৃহমায়াদিকং শুভং ॥

অনুবাদ—গৃহের নক্ষত্রকে আঠ ভাগ করিবে। যাহা ভাগ শেষ থাকিবে, তত (শত টাকা ?) গৃহের ব্যয় ধরিবে। তাহার অধিক ব্যয় করিও না।

গৃহের দ্বার বিচার

ইতিপূর্বে বন্ধ ধরিয়া একবার গৃহের দ্বার নির্ণয় করা হইয়াছে।

রাশি ভেদে দ্বার ভেদ

(গ)• বন্ধ প্রমাণে ভাগ প্রমাণে ঘম ঘটনা হোইলার দ্বার ফেড়া লক্ষণ ॥ শ্লোক ॥ মেঘ সিংহংহমানাঞ্চ পূর্বেলাল প্রশস্ততে শ্রাড্‌বৃষ্মুখ পশ্চিমদ্বারা প্রবিষ্টান্তে ধনাপতে। অস্ত্যার্থ। মেঘসিংহ ধনু এ তিনি রাশি বাহার হোই থাই পূর্বাভিগকু শুভ। এ তিনি রাশিক পূর্বাভিগ ঘর যোগাই। এ মন্দিরে পশ্চিম দ্বার হেব। গৃহস্থ পূর্বাভিগ হোই এ মন্দিরে প্রবেশ হোইলে এ তিনি রাশিরে ধনসম্পদ হোই।

বৃষ কত্মাংগানাঞ্চ সপ্তদ্বারানি মন্দিরে প্রাট্‌মুখ উত্তরদ্বারাদক্ষিণাভিমুখস্তি। অর্থ বৃষ কত্মা মকর এ তিনি রাশিরে দক্ষিণদিগর এ তিনি রাশিক দক্ষিণ মন্দির হোইব। এ মন্দির উত্তরদ্বার করিব। গৃহস্থ দক্ষিণমুখ হেব। এ গৃহে প্রবেশ হেলে এ তিনি রাশিক ধনসম্পদ দেই।

তুলামিথুনকুস্তানাং শুভ পশ্চিম মন্দিরে পূর্বাভিমুখ পূর্বাভিগারে সন্তি ধনানিচ। অর্থ তুলামিথুন কুস্ত এ তিনি রাশি পশ্চিম মন্দির। এ তিনি রাশিক পশ্চিমমন্দির হেব। এ মন্দিরে পূর্বাভিগ হেব। গৃহস্থ পশ্চিমমুখ হোই এ মন্দিরে প্রবেশ হোইব। এ মন্দিরে ধনসম্পদ এ তিনি রাশিকি হোই।

অলিকর্কটমীনানাং মুত্তরং মন্দিরং মতং। শ্রীকামদক্ষিণদ্বারা প্রবিষ্টান্তে ভরানন। অর্থ বিহা ককড়া মীন এ তিনি রাশি উত্তরদিগর। এ তিনি রাশিক উত্তর মন্দির হেব। এ মন্দির দক্ষিণ দ্বার হোইব। গৃহস্থ এ মন্দিরকু উত্তরমুখ হোই প্রবেশ হেব। এ তিনি রাশিরে ধনসম্পদ হোই। ইতি বাররাশি চতুঃসাল বিধিলক্ষণ। এ প্রমাণে বাররাশিক চারিদিগকু চতুঃসাল দ্বার ফেড়া হোইব।

অনুবাদ—

রাশি	মন্দিরের কোন্ দিকে মুখ হইবে।	গৃহস্থ কোন্ মুখে মন্দিরে প্রবেশ করিবে।	ফলাফল
(১) মেঘ, সিংহ, ধনু	পশ্চিম	পূর্ব	ধনসম্পদ
(২) বৃষ, কত্মা, মকর	উত্তর	দক্ষিণ	ধনসম্পদ
(৩) তুলা, মিথুন, কুস্ত	পূর্ব	পশ্চিম	ধনসম্পদ
(৪) অলি, কর্কট, মীন	দক্ষিণ	উত্তর	ধনসম্পদ

দিক্ ভেদে দ্বারের শুভাশুভ ফল

(গ) দিগদ্বার ভাগলক্ষণ। দ্বারবাস্তব প্রবক্ষ্যামি ভাগা অষ্টা শুভাশুভ পূর্বাধামি চতুর্দিশং ক্রমে দ্বার শুভাশুভ। পূর্বদিগ আদি করি চারিদিগ ভাগ প্রমাণে আঠভাগ দ্বার সচপি কহিব। ইন্দ্রিয়ার জে শুভাশুভ তাহা কহিব। এ দিগকে আঠভাগ লেখাএ। শ্লোক : 'ঈশানাদৌ লিখিতে পূর্বে। আজ্ঞাদৌ দক্ষিণং ভবেৎ। নৈঋতে বারুণে চৈব বায়বে ভবতি উত্তরে। অর্থ পূর্বদ্বার বলে ঈশানকোণ ঠারু গণি আনিম। দক্ষিণদ্বার কলে অগ্নিকোণরু গণি আনিম। পশ্চিমদ্বার নৈরুত কোণরু গণি আনিম। উত্তরদ্বার কলে বায়বা কোণরু গণি আনিম। শ্লোক। অগ্নিভয় বহুকহা ধনদোভাজকজনং ক্রোধান্নানশ্চকশ্চৈব যৌননে চৌরভয়ং তথা। প্রথম ভাগে অগ্নিভয়। বহুতকহা ২। বহুত ধন ৩। রাজপূজা ৪। ক্রোধ ৫। অনর্থ ৬। রোদন ৭। চৌরভয় ৮। অন্নসুখা অন্নধনঞ্চ চৈরাত বড় ভোগ ভোজন সুতবুধা সুত বিপ্রমাধ্য রোগং ভবতি যাবতি যামোহ। অর্থ। দক্ষিণ আড়র প্রথম ভাগ অন্ন সুত ১। অন্নধন ২। নিশ্চয় পরাভব ৩। ভোগ ৪। ভোজন ৫। সুতবুদ্ধি ৬। নিধন ৭। সুতক্ষয় জরাজ ৮। শ্লোক। ভববন্ধো রিপু পীড়া ধনসুত সুখ সময়ে পুত্র ধন নাস্তি বৈরীবাং পুত্রোদদোষাত্রয়েনাত্মা। উত্তর আড় প্রথম ভাগে বন্ধন হোই খাই। শত্রু পীড়া ২। ধন হুত ৩। সুখসম্পদ ৪। সুতধন নাস্তি ৫। বৈরী ৬। গোপসুনা শতপত্নী ৭। মৃত্যু ৮। ইতি দ্বার লক্ষণ। যেহুযেহুস্থিতির্থেসুত্রেযু তেহু ফলপ্রদ শুভবাণ্য শুভোবাণি যত্র দ্বারস্ত কথ্যতে। অর্থ যেউ ভাগরে দ্বারস্থানস্থিত করি করিব সে ভাগরে যেউ ফল সেই ফল পাইব। সে কেমন্ত ফল হোই। শুভ ফল হোই। অশুভ ফল হোই। যেমন্ত করি ভাগমানস্কর শুভাশুভ কহিলা অছি সেইমত ফল পাইব। শ্লোক। তৃতীয়স্ত জ্যোপ্রাচ্যামাস্ত যন্ত পঞ্চম ত্রয়োপঞ্চ ময়োপঞ্চ পঞ্চএ চতুর্থেপি উত্তরে। অর্থ। পূর্বভাগ আঠভাগ করি ঈশান কোণঠারু তিনি ভাগে ৪ ভাগে দ্বার করিব। দক্ষিণ দিগ আঠ ভাগ করিব। অগ্নি কোণঠারু ৪ ভাগ ৫ ভাগে ৫ দ্বার করিব। পশ্চিম দিগ ৮ ভাগ করিব। নৈরুত কোণ ঠারু গণি আনিব তিনি ভাগ ৪ ভাগে দ্বার করিব। এ প্রমাণে দ্বার ঘটনা এমন্ত।

(ঘ) এবে হো গুণ মন দেই—

দিগক আঠভাগ হোই॥ পূর্বরে দ্বার বিচারিব। ঐশাশ্চ কোণরু গণিব। প্রথমভাগে অগ্নি ভয়ে। দ্বিতীয়ে কহা লক্ষ হোএ। তৃতীয়ভাগে ধন প্রাপ্তি। চতুর্থরে রাজসম্পত্তি। পঞ্চমভাগে ক্রোধী হোই। ষষ্ঠভাগরে নাশ যাই। সপ্তম ভাগরে রোদন। অষ্টমে চৌরভয় জাণ। দক্ষিণ দিগরে যাণিম। অগ্নি কোণরু যে পশ্চিম। প্রথমভাগে অন্ন সুত। দ্বিতীয়ে অন্নধন প্রাপ্ত। তৃতীয়ে নীচ পরাভব। চতুর্থে লোণাভোগ যোগ। পঞ্চমে বহু সুত জাত। ষষ্ঠরে বিয় হোএ সুত। সপ্তমে ধনকু নাশই। অষ্টমে রোগী হোই খাই। গুণহে কহিবা পশ্চিম। নৈঋতকোণরু গণিম। প্রথমে সুত পীড়া হোই। দ্বিতীয়ে

রিপু পীড়া পাই। তৃতীয়ভাগে ধন দেব। সম্পদ সূত আউ হেব। চতুর্থে শুভ ভাগ্য হোই। পঞ্চমে সম্পদ দিঅই। ষষ্ঠভাগরে নৃপভয়ে। সপ্তম ভাগে রোগী ছএ। অষ্টমে বৈরী ভাব জাগ। উত্তর ভাগ দ্বার শুণ। বায়ব কোণক গণিব। শুভ অন্ততকু জাণিব। প্রথমে বন্ধন হুঅই। দ্বিতীয় ভাগে পীড়া পাই। তৃতীয় ভাগে ধন সূত। চতুর্থে সুখ হোএ জাত। দিঅই বহুত সম্পত্তি। পঞ্চমে ধন সূত নাস্তি। ষষ্ঠরে বইরি বিনাশ। সপ্তমে গোক পশু নাশ। অষ্টমে অপমৃত্যু জাগ। এবে দীপিকা বাক্য শুণ। পূর্বর দ্বার বিচারিবা। তৃতীয় চতুর্থে করিবা। দক্ষিণ দ্বার শুভ শুণ। চতুর্থ পঞ্চভাগে শুণ। পশ্চিম তৃতীয় পঞ্চম। উত্তর দিগ এবে শুণ। তৃতীয় চতুর্থ এ শুভ। কহিলি দ্বার শুভাশুভ।

নোট—কোন দ্বার ঈশান হইতে অগ্নিকোণের মধ্যে থাকিলে তাহা পূর্বদ্বার, তেমনি অগ্নি হইতে নৈঋত পর্যন্ত দক্ষিণদ্বার, নৈঋত হইতে বায়ু পর্যন্ত পশ্চিমদ্বার ও বায়ু হইতে ঈশান পর্যন্ত উত্তরদ্বার।

• অমৃতবাদ—প্রতিদিককে আঠভাগে ভাগ করিবে। দরজা যে ভাগে পড়িবে, সেই অমৃতসারে তাহার ফলাফল নির্ণয় করিবে।

	গ	ঘ		গ	ঘ
পূর্ব ১	অগ্নিভয়	অগ্নি ভয়	পশ্চিম ১	—	সূতপীড়া
২	বহুত কষ্ট	কষ্টালাভ	২	—	রিপু পীড়া
৩	বহুত ধন	ধন প্রাপ্তি	৩	—	ধনসম্পদ সূত
৪	রাজ পূজা	রাজ সম্পত্তি	৪	—	শুভভাগ্য
৫	ক্রোধ	ক্রোধী	৫	—	সম্পদ
৬	অনর্থ	নাশ	৬	—	নৃপভয়
৭	রোদীন	রোদন	৭	—	রোগ
৮	চোরভয়	চোরভয়	৮	—	বৈরী
দক্ষিণ ১	অন্নসূত	অন্নসূত	উত্তর ১	বন্ধন	বন্ধন
২	অন্নধন	অন্নধন	২	শত্রুপীড়া	পীড়া
৩	নিশ্চয় পরাভব	নীচ পরাভব	৩	ধনসূত	ধনসূত
৪	ভোগ	ভোগাভোগ	৪	সুখসম্পদ	সুখসম্পত্তি
৫	ভোজন	বহুসূত	৫	সুখধন নাশ	সুখধন নাস্তি
৬	সুতবৃদ্ধি (বৃদ্ধি ?)	বিয়	৬	বৈরী	বৈরী বিনাশ
৭	নিধন	ধননাশ	৭	গোপসূনা শতপত্নী	গোক পশুনাশ
৮	সুতক্ষয় জরাজ	রোগী	৮	মৃত্যু	অপমৃত্যু

পূর্বদিককে ৮ ভাগ করিয়া ঈশান কোণ হইতে ৩য় ৪র্থ ভাগে দ্বার করিবে। দক্ষিণদিককে ৮ ভাগ করিয়া অগ্নিকোণ হইতে ৪র্থ ৫ম ভাগে দ্বার করিবে। পশ্চিম দিককে আঠ ভাগ করিয়া নৈঋত কোণ হইতে ৩য় ৪র্থ ভাগে দ্বার করিবে। (ঘ'এর মতে পশ্চিম দিকে ৩য় ৪র্থ ও উত্তরদিকে ৩য় ৪র্থ শুভ, অল্প বিষয়ে ইহা 'গ'এর সহিত একমত)।

মঙ্গলারোপণ বিধি

(শুভস্তম্ভারোপণ)

জ্যোতিষতত্ত্ব—

(ক) স্কৃত ধ্বজপাতগণ্যসমরীত সজ্জা প্রসাদ ভবনে দৃশ আঅতে শ্রীমাচরং। (১০ পৃঃ)

(খ) ধনুছত্রপাতংগ বা দ্রশনে শ্রীঅতে জদা। দ্বাদসব্যাসতে হস্ত। (৪৩ পৃঃ)

(গ) ধ্বজবজ্রপতাকাদি দর্শনে ধনসম্ভব। পূর্ণকুন্ত শুভাপোতি ঐশ্বর্য কনক লাভয়ে।

(ঘ) ধ্বজপতাকাদি দর্শনে ধনসম্ভবঃ।

পূর্ণকুন্তে ভবেৎ বিস্তং প্রাপোতি কনকাদিকং ॥

অনুবাদ—ঐ সময়ে যদি ধনু, ছাতা, পতাকা, ধ্বজা দেখা যায়, তবে তাহা শুভ লক্ষণ বলিয়া জানিতে হইবে।

(গ) ভিক্ষুকঃ সন্ন্যাস চৈব বধঃ ভোগান্তরাতপি নগেইসে স্নাতকালেষু যত্র তত্র-
স্তমিচ্ছতাং। অর্থ। বাস্তবহীমরে স্নাতা স্নাত ধরিবা বেলে ভিখারী, সন্ন্যাসী, বৈরাগী, রোগী,
তপী, ক্লশলোক এতক দেখিলে নীচ হোই। এ যেতে শুভ কর্ম করি যাই সে মিথ্যাকু যাই।

(ঘ) হীনদ্রো ভিক্ষুকশ্চৈব বন্ধ্যা রোগার্ভা খঞ্জকৌ।

দৃশ্যতে চেদগৃহহারন্তে কর্তৃক মরণং জ্বং ॥

অনুবাদ—স্নাতা পাতিবার সময়ে যদি ক্লশ, হীনদ্র, ভিক্ষুক, সন্ন্যাসী, রোগী, বৈরাগী লোক দেখা যায়, তবে তাহা অশুভ লক্ষণ। তাহাতে এমন কি গৃহকর্তার মৃত্যু পর্য্যন্ত হইতে পারে।

(ক) ক্রীড়ন্তি বালকাঃ যত্র সোমি তোপ সসংস্তাতা।

তত্র বিজাবিজানিত্য নমথা কদার চম। (৯ পৃঃ)

(খ) শ্লোকঃ। ক্রীড়ন্তি বালকা তত্র। স্মামি তত্র মনেস্থিতা।

তত কৃত বীধানীত। নমস্কারং কদাচনঃ। অর্থঃ। শুভ দেবা বেলে জদা বালেক

ক্রিড়া করিবে তেবে স্বামি তপসিদ্ধ হোই। ওপর যে বীজনীতী। মন খাউ কীছি নোহই। (৪২-৪৩ পৃঃ)

অমুবাদ—শুভ দিবস সময়ে যদি বালকের ক্রীড়া দেখা যায় তবে গৃহস্বামী তপসিদ্ধ হইবে। (তাহার পর বুঝি নাই)

• সাধারণ বিধি

(ক) ধর্মার্থ জানীয়াতে তত্রকালে সনসাধিত। সভাস্ত সরাবাণী সিন্ত দৃষ্ট নক্রমাণী। সর্বলক্ষ্য সম্পূর্ণ সর্বাভরণভূষিত। দ্রবভন দৃষ্ট গুরুকমদচম্। কুমমম্ জ্ঞানমেচম দ্রশনতত বীর্জানিত্য পুত্রবা ধন দৃষ্টতে ॥ ৩৪ ॥* (১০ পৃঃ)

(খ) শ্লোকঃ। ধর্মার্থ বীধানীত তত্র কালেন সিধিতী। শুভাশুভ তারাবাণি। তত্র দ্রষ্টিকশ্মাণি। অর্থ। ধর্মকথাকু য়েবে বিচারিব। সে তত কাল প্রাপত হোই। শুভাশুভ কথাহী প্রাপহ হোই। দৃষ্টে গ্রহমানংকর পীড়া ন নাগই। থ শ্লোকঃ। সর্বলক্ষ্য সম্পূর্ণ। সর্ব আরোহণং ভূমি। দিব্যবসন পরিধাব্য। শুভ তত্র ন সংসয়ঃ। অর্থঃ। লক্ষ্য বহোই দেহরে সর্ব আভরণ থিব। দীব্য বসন পরিধাপন করিথিব। এমন্ত হেলে সর্ব শুভ হোই। (৪২ পৃঃ)

অমুবাদ—কি ধর্ম কি অর্থ ইহা যদি বিচার করিতে চাও, তাহা হইলে দেখিবে কি শুভ ও কি অশুভ। শুভ আচরণ করিলে গ্রহদের কুদৃষ্টিতে পড়িয়া পীড়িত হইবে না। সর্বলক্ষ্য ও সর্বাভরণে ভূষিত হইবে। দিব্য বসন পরিধান করিবে। ইহাতে সর্ব শুভফল লাভ হইবে।

মঙ্গলারোপণের জন্য দ্রব্যাদি

(ক) এবে মঙ্গল আপোরণ। দধি দুগ্ধ ঘবধানক শাকরে তণ্ডুলে চ শ্রীফল পুসে ক হেম চন্দন বাস গ্রন্থকম্। তালতিতি ধুপদীপ অক্ষত পূর্ণ কুন্তেক রস ঘবতিল পুঞ্জম্ ত্রৈশ্র না শঙ্খ দৃষ্ট। অর্থ এক দধি দুই দুগ্ধ তিন ঘবধান চার শাকর পাঁচ তণ্ডুল ছ গুয়া সাত স্নান আঠ পঞ্চরস নরে চন্দন দর্শনোলুগা এগাররে অলতা বাররে অক্ষত তেরবে পূর্ণকুন্ত চৌদরে মাছ পন্দররে মাষী তিল ঘোড়রে শুলুচিং সত্তররে অসনছেলি অষ্টররে শঙ্খলোচ য়েতেক মঙ্গলটি। (১৭-১৮ পৃঃ)

দধি দুগ্ধ শাকর হেমাসিন্তিক। শ্রীফলযুগ্মবস্ত্রক। গুড়কতামূলক স্ববর্ণধান পুলচিগোলি চন্দ। যুতমধু গুড় কদলীক। শংখঝোটি দীপকম্। (৩০ পৃঃ)

(খ) এবে মঙ্গলারোপণ বিধান কহীবা। :। শ্লোকঃ। দধি দুগ্ধ ঘবধানঃ চ। সাকরং তণ্ডুলং তথাঃ। শ্রীফল বস্ত্রবিশেষ। চন্দনং বাস যুগ্মকং। অলংকৃতং ধূপং দীপং। অক্ষতং পূর্ণকুন্তকং। অর্থঃ। দধি ১ দুগ্ধ ২ ঘবধান ৩ সাকর ৪ তণ্ডুল ৫ শ্রীফল ৬ পুষ্প ৭ চন্দন ৮ বাস

৯ পল ১০ দুর্বার্কত ১১ ধূপ ১২ দিপ ১৩ বদরি পত্র ১৪ পূর্ণকুন্ত ১৫ রস ১৬ জবধান ১৭ তীল
১৮ সংখলেডী ১৯ এতেক মঙ্গলএ।

অমুবাদ—মঙ্গল দ্রব্যের তালিকা—দই, দুধ, ববধান, চিনি, চাল, বেল, বদরি, চন্দন, এক
জোড়া কাপড়, অলঙ্কার, ধূপ, দীপ, দুর্বার্কত, পূর্ণকুন্ত, স্নানারি, সোনা, পঞ্চরত্ন, আলতা, মাছ,
মাষী তিল, গুলঞ্চ, ‘অসন’ গাছের ছাল। (‘সংখ-লেডী’ বা ‘শংখকোটরি’ অর্থ বুঝিলাম না।)

শুভ স্তম্ভের গর্তে বিভিন্ন পদার্থ বাহির হওয়ায় ফলাফল

(ক) শ্লোক। কীট চাটো তমুসান্ন চান্তিলন্দোচই টিক। পাষণো যত্র বহুকাদৃশো তত্র
ফলানি জায়েৎ ॥ এতর ফলশ্রুতি অর্থ। কাঠে অগ্নিভয়ে বুরুতাত। অঙ্গারে ব্যাধি
পীড়ন। ৫৪। তুষণ প্রবহানি। স্মা। অগ্নিকে ন রক্ষ নশস্তি। ঈটকা ধন আগম।
পাষণ বলিকা সম্বন্ধ। (১৮ এবং ১৯ পৃঃ)

(খ) শ্লোক। কাঠ ঈঠে তমুসানে। বচা ঈন্দন ঈটকাং। পাসাণ পত্র বন্ধিকো।
হসে তত্র নীষোষএত। অর্থ। কাঠে অগ্নিভয় ব্যা(ধি?).....তুগেন দ্রব্যহানী।
অস্থিরে কুলক্ষএ। নবা অর্থ প্রসন্নবদন। ঈটকা ধন অপমান। পাসাণ বলীকা
সম্পদ। (৪৭ পৃঃ)

(গ) ভস্মাঙ্ঘি কাঠ হস্ততু কেশ কপোল দন্ত রক্ত সর্ব যদি বাথ শিতলা চ লোঠে
ধর্ম্য কুলমলিনী কলাজ নানা তগ্নিন বদন্তি মুনয়ো ধর্ম্য কীর্তিনাশং। অর্থ্য দেবা বেলে এতে
পদার্থ থিলে এমন্ত হোই। এতেক কি পাউশ, অঙ্গার, হাড়, ঘরকাঠ, তুষ, বাল, মুণ্ড, দাঁস্ত,
রক্ত বাহার হোইবার রকতিয়া মাটি কি ইটামাটি ভূমি গভীর ঠারে শুভ দেবা বেলে এতে
পদার্থ পাইলে, এতে পদার্থ থিলে মুনিমানে বোইলে গৃহস্থর ধর্ম্যকীর্তি নাশ যাই।

(ঘ) ভস্মাঙ্ঘি কাঠমঙ্গারং তুষং বালং কপালকং।
রক্তপুস্তিক দন্তং চ মৃন্ডাণ্ডাঙ্ঘিনি যত্র বৈ।
তত্রাবাসং ন কর্তব্যং ক্রতে কীর্তিধনক্ষয়ং ॥
ইষ্টকায়ামর্থলাভং পাষণে সর্বসম্পদঃ।
সপাদৌ নিধনং কর্তুরঙ্গারে চ কুলক্ষয়ং ॥

অমুবাদ—শুভস্তম্ভ আরোপণের গর্ত হইতে পাঁশ, কয়লা, হাড়, পুরাণ ঘরের কাঠ, তুষ,
চুল, মুণ্ড, দাঁত, অথবা লাল মাটি বাহির হইলে সেখানে বাড়ি ক্ষয়িবে না। তাহাতে ধর্ম ও
কীর্তি নাশ হয়। অস্থিতে কুলক্ষয় হয়। ইট বাহির হইলে ধনলাভ এবং পাথর বাহির
হইলে সর্বসম্পদ লাভ হয়।

শুভস্তুতারোপণ বিধি

(ক) শ্লোক। ভোতানি রাক্ষসস্তাসৈব। হে তিষ্ঠি খেচর। তে শ্বে প্রগহণামি।
বাস্তু গৃহামহাপুত্র। বাহুমূলে খনন্তে ভূমি। বাস্তুরেস্ত চক্রদশ। তত্র মধ্যে জীতে
লক্ষী। জস্ত্রে প্রান্তিক নাগ নাম। পহুক্ষতা বলাক্ষতা। সুমধা সুবদ প্রিয়া। অমৃত সুখী,
সুমতী। জগদ্ধিন নেম।.....। থল থল মহাথল গরি চামর চারিত্রত। ঈশানে
অধরুপিতে। থিরে ভবন্তি সর্কদা। ধনপুত্র কলহ জাবচক্রকমেদিনী ॥ স্বভাবে চঞ্চলা
দেবী মম গৃহে থিরে ভব। বসুমতী দেহিথান। সর্কদব সুশোভন। গ্রিকহাতে শঙ্খ
নিস্থানী আয়কে সুভদা এক ॥ (২৯—৩০ পৃঃ)

(খ) ভূহানি সক্ষসা সৈব্য এ এতি পুতে খেচর। সবে প্রতিগচ্ছন্ত। বাস্তু
গৃহাত্রকং শুভং শুভখ্যাতে জেতে হোজিব খোলিবা। তাহা জানিমা। বাহুমূলে খননে ভূমি।
বাস্তবার চতুসত। তত্র মধ্যে স্থিতি লক্ষী। পূজ্যতেপি চ নাগকা। এ। এবে নাগ জাতি
মান নাম। পাহু জাবলি ছত্রা। সুমধা সুমতি পিয়া। অমৃতমুখ সুমেতি। জগদ্ধি কাল
নেমিকা।.....। শুভ শুভ মহাশুভ। চারি চামর দহিবত। ঈশান্তে থর্থ পলবা থির ভবতু
সুর্বদ। ধনপুত্র কলহ চ। যাব চক্রকমেদিনী। সভাবে চঞ্চলা দেবী। মহাম গৃহস্থিরং
ভবে। বসুমতি দেহি স্থান। সর্কদব্য শুশোভনং। সংহাথে শংখনিস্থানী। আয়তে শুভ
দায়ক। ভদ্রগতি দ্বিজবরণং। দধি ছত্রাদিমর্দলং। বিহার দিব্যবসনং পুষ্প ফলশুশোভনং
তবাদিজ ভয়ং চ। মঙ্গল সানন্দ যে জেক্ষ পুনর্বসনয়ং। গৃহারস্ত বিধয়তে। সর্বজনবরণ।
সবেস বেদ উকতি। পুছন্ত ত্রীকরে প্রিয়া। রাজত্ৰী করভোগি। ধনসুত। নববস্ত্র
সুশোভনং। (৫৬—৫৯ পৃঃ)

নোট ও অনুবাদ—শুভস্তুতা আরোপণের সময়ে ভূত, রাক্ষস ও অস্ত্রাথ খেচরগণকে বলা
হয় ‘ভোমরা যাও’। নাগ গণকে পূজা করিতে হয়। গর্ভ খুঁড়িয়া তাহার মধ্যে কি লক্ষ্মীর মূর্তি
রাখিতে হয়? তা না হইলে “বাহুমূলে খনন্তে ভূমি...তত্র মধ্যে জীতে লক্ষী” ইহার অর্থ হয়
না। তাহার পর স্তুতারোপণ করিয়া যে শ্লোক পড়িতে হয় (পরে দেখুন) তাঁহা এখানে
দেখা যাইতেছে। ইহার সহিত প্রার্থনা রহিয়াছে “হে বসুমতি, তুমি আমার স্থান দাও।
তুমি সর্কদ্রব্যে সুশোভিত।” লক্ষ্মীকে বলিতে হয়, “যত দিন চন্দ্রার্ক মেদিনী আছে, তত দিন
হে স্বভাবে চঞ্চলা দেবী তুমি আমার গৃহে স্থির হইয়া থাক।” এই সঙ্গে ব্রাহ্মণকে বরণ
করিবার বিধিও রহিয়াছে। বেদ উচ্চারণ, দধি, ছাত্রা, মাদল, দিব্যবসন, ফুল, ফল প্রভৃতি
ব্যবহারের আদেশ অস্পষ্ট ভাবে বুঝা যায়।

(গ) পথর গোটি এতদ্ব্যপ্রতি অষ্ট আংগুল উচ্চপ্রমাণে হেব। এথি চারিদিক চারি-
কোণকু আদেদি পদ্মপাখুড়া আঠগোটি হেব। মধ্যরে কেশর হেব। নাগর জদয়রে হেউ ও

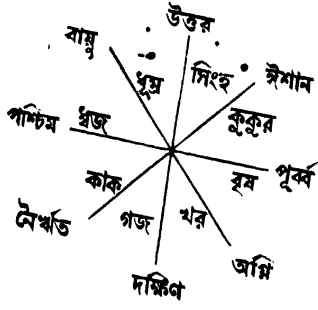
উদরে হেউ পাতখোলি ভূমিকি শুদ্ধ করি মঙ্গলারোপণ করি ধূপদীপ নৈবেদ্য গন্ধ পুষ্প তাম্বুল গ্রামদেবতীমানকু পূজা করিব। শিল্পি জ্যোতিষ ব্রাহ্মণকু পূজা করিব। বিপ্রহস্তে স্থিরভব ইতি মন্ত্রেণ গর্ত্ত শুভ দেব। চারিগছ চারি কোণকু পাখুড়ামানে সরি হোই যে যাহা দিগকু থিবে দিগভেদ নোহিব।

অমুবাদ—একটি পাথর লইবে। তাহা দীর্ঘে প্রস্থে ৮ আংগুল করিয়া হইবে ও প্রমাণ মত উচ্চ হইবে। তাহাতে চার দিক ও চার কোণ আকিয়া আঠটা পদ্মের পাপড়ি আঁকিবে। মধ্যে কেসর থাকিবে। বাস্তনাগের হৃদয়ে বা উদরে গর্ত্ত খুঁড়িয়া ভূমি শুদ্ধ করিবে। তাহাতে মঙ্গলারোপণ করিয়া ধূপ, দীপ, নৈবেদ্য, গন্ধ, পুষ্প, তাম্বুল প্রভৃতি দিয়া গ্রামদেবতা দেব পূজা করিবে। শিল্পী, জ্যোতিষ ও ব্রাহ্মণকেও পূজা করিবে। ‘বিপ্র হস্তে স্থির’ ভব, এই মন্ত্রে গর্ত্তে (পাথরটি বসাইবে)। আঠ পাপড়ী যেন ঠিক চার দিক ও চার কোণের সঙ্গে সমান হইয়া থাকে, এ বিষয়ে যেন ভুল না হয়।

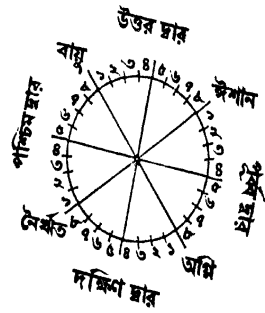
(গ) যেউ ভূমিরে ঈশান যে স্তম্ভারোপণ করিবা এ দিন কর্ত্তালোককু শুভ হোইব। শুদ্ধি হোইব। তাহা দণ্ড নাভিরে করি খাত খোলিব। খাত ভিতরে গোময়রে লেপিব। গাত পূর্বে পূর্ণকুস্ত বসাইব। পূর্ণকুস্তে স্ববর্ণরূপা নানা রত্ন মধ্য করি মিশ্রিত করি করিব। মুখা বস্ত্র গোটিএ বান্ধিব। আশ্বপত্র ডালে দেব। নড়িআ গোটিএ দেব। এ পূর্ণকুস্ত সরি হোই পুরিত হোই থিব। পুষ্প গন্ধ নৈবেদ্য তাম্বুল সচ্চিত করি দব। দেবতা পূজা করিব। ধূপদীপ দেব। দেবতাকু স্তুতি করিব। বিশ্বকর্মা কু পূজা করিব। “তো বিশ্বকর্মানি মোহর গৃহারস্ত কৰ্ম্ম” বোলি বিসেসিত হোই সমর্পিব। দারাপত্র বন্ধুমানে সখীমানে বেষ্টিত হোই থিব। পঞ্চরত্ন গুলুচি দেই এবস্থিধি ব্যভার স্তম্ভারোপণ করিব। স্তম্ভরে পুষ্প চন্দন নবীন বস্ত্র বেষ্টিত করিব। কৰ্ম্মাস্ত্রে ব্রাহ্মণ ভোজন দক্ষিণা দেব। জ্যোতিষপূজা ভোজন দক্ষিণা দেব। শিল্পি পূজা বোলস্তু মহারাণাকু ভোজন দক্ষিণা বস্ত্র দেব। এবস্থিধি প্রমাণে স্তম্ভারোপণ কলে শত্রুকর হোই। বিপ্রমানে বেদ উচ্চারণ করথিবে। এমন্ত বেণে গৃহারোপণ কলে বাস্তরে ধনসম্পত্তি হোই। × × × × যেউ মাসরে শুভ দেবাকু যোগাই সে মাসে গৃহস্থকু শুভ হেব। শুভযোগ হেব। বার তিথি নক্ষত্র রাশি যোগ করণ শুভ হেব। স্থির লগ্ন হেব। বিষ্টিবৈধৃতি ব্যোতিপাত ন হেব। × × ×। ব্রাহ্মণকু নবীন বস্ত্র দেব। ভোজন দেব। দক্ষিণা দেব। এবস্থিধিমত শ্রীশুভ শ্রীসম্পত্তি স্তবতি এবন্। গৃহধিবায় ইতি গর্ত্ত শুভবিধি। এই গর্ত্ত শুভ পদ্য উপরে শুভতন্ত্র গোটিএ মণ্ডি করি আরোপণ করিব। এথি মাল চন্দন নবীন বস্ত্র বেষ্টিত করিব। উপরে মুখা হাণ্ডি গোটিএ দেব। পক্ষী জন্তুমানে বসিবা নিমন্তে।

অমুবাদ—ভূমির ঈশানকোণে বার, তিথি, নক্ষত্র, রাশি, লগ্ন প্রভৃতির শুভ যোগ দেখিয়া স্তম্ভারোপণ করিবে। গৃহকর্ত্তা যেন শুদ্ধ থাকেন, অর্থাৎ তাঁহারু অশৌচ হইলে শুভকার্য্য করিবেন না। (বাস্তনাগের) নাভিতে দণ্ড পুঁতিয়া গর্ত্ত খুঁড়িবে। গর্ত্তের ভিতর গোবর

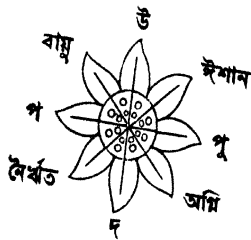
ଓଡ଼ିଆ ଶିଳ୍ପ-ଶାସ୍ତ୍ର



(୩୦ ପୃଷ୍ଠା)



(୩୯ ପୃଷ୍ଠା)



(୫୫ ପୃଷ୍ଠା)

লৌপীবে ও তাহার সমুখে সোণা রূপা প্রভৃতি নানা রত্ন রাখিবে। একটা নূতন কাপড়, আমের পরাব, নারিকেল প্রভৃতিও রাখিবে। কুন্তে জল ভরিয়া থাকিবে। ধূপ, দীপ, পুষ্প, গন্ধ, নৈবেদ্য, তাষল প্রভৃতি দিয়া দেবতার পূজা করিবে। বিশ্বকর্মান পূজা করিবে ও “তো বিশ্বকর্মান, এই আমার গৃহাবস্থ কৰ্ম” এই মন্ত্র পড়িবে। বর্তার চারিদিকে স্ত্রী, পুত্র, বন্ধু ও সখীরা থাকিবেন। তাহার পর শুভপক্ষের উপর শুভমুহুর্তে সাজাইয়া আরোপণ করিবে। তাতাকে মালা চন্দন ও নুতন বস্ত্রে বিভূষিত করিবে। উপরে পাখী বসিবার জন্য একটা নূতন হাঁড়ি বাঁধিয়া দিবে। ব্রাহ্মণ শুভারোপণের সময়ে বেদ উচ্চারণ করিবেন। কৰ্ম্মান্তে ব্রাহ্মণকে ভোজন দক্ষিণা দিবে। শিল্পীকে ভোজন দক্ষিণা ও একখনি বস্ত্র দিবে। এই বিধি দ্বিতে শুভারোপণ করিলে স্ত্রী, সম্পত্তি লাভ হয় ও শত্রুকন্ম হয়।

বিবিধ প্রসঙ্গ

গৃহের চারিদিকে গাছের কথা

(ক) বত পিসানি বৃক্ষাণি। ডালি ডালিমু কেসর। পুনাগ। সরল সৈব। নারিকেল পিঅক্ষম। মসিদান বৃক্ষা অগ্র। ক্ষত্রিকার ক্ষতা যন্তিকা। জুগদি জমুকা সৈব নবধকু সক্ষক্ষকা। নারগিস্র ফলচৈব প্রমুখীপ্রাতভুমিস্র। আমেব মলিকাদিন। কষাণ্ড দিন ঋণ্য। কদলি ক্রদলি বলি তেজুলি পাটেলি পলাস তথা। কণ্টকিম্ম মূলিসৈব অবমলাণ পরিবর্জয়েত। বর্জএত পূর্বাণি ওষত। পলক্ষং চ দক্ষিণে। সদানপোধ পশ্চিম ভাগে উদঘর অথবা উত্তরে। ঈশানে রক্তপুষ্প। আগুঅা খীরীগন্তথা। নৈঋতে কণ্টকী সৈব। বইবে শ্রিমূলন্তথা। অসহস্রৈব দারিড্রে চ। পলক্ষভিযোগমাদৃশতে। সেসদস বটবাণি ধন্যমানি ভণ্ডবরে অসিভষ রক্তপুষ্প। থিরলিহু সূতভর কটুকিরিষ্টভয়ঞ্চ। গৃহভেদক শ্রিমূলি। চাগ্রভিভিস্রগিষ্টেকৈ। (২২—২৪ পৃঃ)

(খ) ডালী ডাড়ীষ কেসরা পুনাগং সরলশ্রৈব্য লবঙ্গযুচল্পেকা। নারঙ্গ শ্রীফল চৈব। প্রমুখি মাতৃভুমিস্র। আমেব বলীকানন। ৫। পাটলি পসবন্তথা। কণ্টকি শ্রিমূলীচৈব। অমলান পুরিবর্জয়েৎ। বক্র পূর্ব ওষত। পলাশং স দক্ষিণে। সদানং পশ্চিমে রোগে। অথবা ভর উত্তরে। ঈশান্তে রক্তপুষ্পং চ। অগ্নিএ গিরিগন্তথা। নৈঋতে কটিকোচৈব। বাইবে শ্রিমূলি তথা। (৪২—৫০ পৃঃ)

(গ) বর্জয়েবা পূর্বে অথং দক্ষিণে পলাশন্তথা জাগোধ পশ্চিমে ভাগে উত্তরন্ত ভদ্রঘর। ঈশানে রক্তপুষ্প চ আগ্নেয়া ক্ষীরীগন্তথা। নৈঋতে কণ্টকী চৈব। বায়বে নন্ত শাল্মলী। অথথীকৈব দারিড্র্যং পলাসে বিজগন্তথা জাগোধনি অথোধ্যন্ত উত্তরে মৃত্যুভূঘর। রক্তপুষ্পং অগ্নিভয়ং রাজভয়ং ক্ষীরীনন্তথা। কণ্টকী, রিপুভরকৈব হুহুভেদং চ শাল্মলী

অশ্বখ। পূর্বে অশ্বখিলে দরিদ্র হোই। দক্ষিণে পলস খিলে বিপত্তি পড়ই। বড়গাঁছ খিলে কলহ হোই। উত্তরে উড়ষর খিলে মৃত্যু হোই। ঈশান কোণে রক্তপুষ্প খিলে অগ্নি-ভয় হোই। অগ্নিকোণে ক্ষীর বৃক্ষ খিলে বিপত্তি হোই। নৈঋত কোণে কণ্টক বৃক্ষ খিলে শত্রুভয় হেউ থাই। বায়ব কোণে শিমুলী বৃক্ষ খিলে শুল্কভেদ হোই। শ্লোক। পূর্বেক বর্জয়ে দৃক্ষা সুবস্তি ফলতো যদি। স্বাবরো পালিন যন্ত বিপত্তি ধ্রুবয়ে তথা। বিধি পূর্বেক প্রমাণে এতে বৃক্ষ বর্জনীয়। যিহি সুবর্ণ ফলুথিব স্বাবর যে গছ গোটিএ থাই কিনা বোলি রখিলে বিপত্তি ধ্রুব পরায়ে তথা। বৃক্ষ শুভ। মালতী মালিকামেদং মন্দারকুন্দমেবচ গৃহাণ্ডে চ সমারোপ্য লভতে পুত্র সম্পদঃ। অশ্বখ মালতি মল্লি কুন্দ কামোদ মন্দার এতে পুষ্প গৃহর আয়তন ভিতরে খিলে কি হোই। আরোগ্য হোই ধনপুত্র সম্পদ বৃদ্ধ হোই। শ্লোক। পুষ্করিণী দেবসদনং নদীকল্পদ্রুমস্তথা মণ্ডভাদিশ্চ কথাস্তে পূর্বতর শুভায় চ। পোখরী নদী দেবতা স্থান কল্পদ্রুম যে বৃক্ষমানে দক্ষিণে পশ্চিমে খিলে অন্তর্ভুক্ত পূর্ব উত্তরে খিলে বড় শুভ দিঅন্তি।

(ঘ) পূর্বেক অশ্বখং বর্জয়িত্বা তিস্তিভীং দক্ষিণে তথা।

পশ্চিমাংসে বটং তদহুত্রে ন হুত্ব ধরং ॥

ঈশানো রক্তপুষ্পং চ আশ্রয়ে ক্ষীরপাদপং।

নৈঋতে কণ্টকং চৈব বায়বো শাল্মলী তথা ॥

যত্র তত্র স্থিতা বৃক্ষা বিঘ্ন-দাড়িম কেশরাঃ।

পুনসো নারীকেলং চ শুভং কুর্কশ্চ নিত্যশং ॥ (১৯-২০ পৃঃ)

নোট—অনেক অংশ চর্কোদা। (ঘ) এর শেষ দুই চরণের সহিত (ক) ও (খ) এর প্রথম অংশের ঙ্গং

সাদৃশ্য আছে।

অনুবাদ

বর্জনীয় বৃক্ষের তালিকা—

	ক	খ	গ	ঘ
পূর্ব	অশ্বখ (দারিদ্র্য)	ঔসম্ব	অশ্বখ (দারিদ্র্য)	অশ্বখ
অগ্নি	শীর্ষণী (১)	গিরিণা	ক্ষীরবৃক্ষ (বিপত্তি)	ক্ষীরবৃক্ষ
দক্ষিণ	প্লক্ষ (ভিষোগ ১)	পলাশং	পলাশ (বিপত্তি)	তিস্তাভী
নৈঋত	কণ্টকী (রিষ্টভয়)	কণ্টিকঃ	কণ্টকী (শত্রুভয়)	কণ্টক
পশ্চিম	সদানপোষ (১)	সদান (রাগ)	ব্রাহ্মোদ (কলহ)	বট
বায়ু	শিমূল (গৃহভেদ)	শিমূলি	শিমুলী (শুল্কভেদ)	শাল্মলী
উত্তর	উড়ষর, (ধনহানি ১)	ভদ্র	উড়ষর (মৃত্যু)	উড়ষর
ঈশান	রক্তপুষ্প (অসিভয়)	রক্তপুষ্পং	রক্তপুষ্প (অগ্নিভয়)	রক্তপুষ্প

বেল, ডাণিম, কেশর, কাঁঠাল, নারিকেল, পুন্নাগ, সরল, লবঙ্গ, চাঁপাফুল, নারঙ্গ, মালতী, মল্লিকা, মন্দার, কুন্দ, কামোদ, এই সকল গাছ গৃহের আয়তনের ভিতর থাকা ভাল। তাহা হইলে আরোগ্যে ও ধনপুত্র লাভ হয়।

(গ) অল্পসারে যে সকল গাছ গৃহের দক্ষিণ ও পশ্চিমে থাকিলে অনিষ্টকর হয়, তাহারা পুকুর নদী ও দেবালয়ের পূর্ব ও উত্তরদিকে থাকিলে বড় শুভ হয়। এই দুই গাছ যথাক্রমে বট ও পলাশ।

গৃহের চারিদিকে জলাশয় থাকার ফলাফল

(ঘ) আগাদিস্থে সঙ্গিলে সূতহানিঃ শিথিল্যঃ রিপুতন্নং চ।

স্রীকলহঃ স্রী দৌষ্ট্যং নৈবং বিভায়াজ বৃদ্ধিঃ ॥

জলর শুভাশুভ গুণ। পূর্বের পুত্রের মরণ। অগ্নিদিকের অগ্নিভয় দক্ষিণে শত্রুর উদয়। জল নৈঋতদিকে থিলে। স্রী দুষ্ট হুঅস্তি না ভলে। পশ্চিম স্ত্রীর কলি করে। বায়বে ঐশ্বর্য না মিলে। বায়ু উত্তর ঐশ্বর্যে। জল প্রশস্ত হইঠারে।

অম্বদান—বাস্তুর পূর্বদিকে জল থাকিলে পুত্রের মরণ হয়। অগ্নিকোণে থাকিলে অগ্নিভয় ও দক্ষিণ দিকে থাকিলে শত্রুর উদয় হয়। নৈঋতকোণে জল থাকিলে স্রী দুষ্ট হন; পশ্চিমে থাকিলে স্রী কলহপ্রিয় হন। বায়ুকোণে থাকিলে ঐশ্বর্য বৃদ্ধি হয় না। বাস্তুর উত্তরে ও ঈশানকোণে জল থাকা ভাল।

শিল্পী, যজমান, আচার্য্য প্রভৃতির কথা

(ক) মহারাণাবিধান। যে নে সূত মহারর্ষী। বিভাগতু কারিয়েত। বিকোণকোণ নিম্নকৃত। কে পোর্থ কি বিধানর। যৌ মহারাণা বিভাগ ন করিব বিকোণ কোণ ভাঙ্গিব। ক্রোত্রী হাতে প্রসাদ গঢ়াইব। বিসিকর্মোবাচ। শ্লিপি লক্ষণ বছেহ। শুন মে ঋষি উত্তম আচার কর্ম সূচরঃ। পুংসবখ্যামেহ গ্রথকি। অর্থ। শ্লিপিলক্ষণকু যেষে বিচারিব। বিসিক্রমা মেরকু কঁহুঅছস্তি। হে মের শুন। আচারবস্ত হোইব। শুচিবস্ত হোইব। তিরি পুংস বেদি থেব। পুরুষ বচ্ছা ধরি থেব। এমস্ত হোই শুভ পূজা করাইব। ক্রোত্রবরণ বিসিক্রমা বরণ। দিগপাল বরণ। নবগ্রহ বরণ। এতেক বরণ কবির। এতেক বরণ কলে অশ্বমেধ ধর্ম হোই। নানা শ্লিপি প্রমাণেঞ্চ প্রসাদ নৃপজাবনা। তত কর্ম প্রমানেঞ্চ সূত্রধারক কারিএত। তত্র কর্মকু যেষে বিচারিব। নানাশাস্ত্রকু যেষে নৃপতি প্রসাদ ভাবনা করিব। সূত্রকার বিদ্বানিকি ডাকিব তেবে ধর্ম পাইব। হীন আচার্য্য ন কুর্কং। হীনশ্লিপি ন কারয়েং। তত্র কর্ম বিফলিনি। যথা পুংস নপুংসকা। অর্থ। হীন আচার্য্যকু ন ডাকিব। হীন শ্লিপি বিদ্বানিকি ন ডাকিব বিফল নিন্দা হোই। সে কীর্ত্তি নপুংসক কীর্ত্তি হোই। অর্থাহীনে যথা শ্লিপি গ্রহীনে তথৈবচ। একর্ম কোভে দেশিদিনপলয়ধর্মুধে।

(৪৪-৪৬ পৃঃ) যত্র যত্র মহারণা। বিকোণ কোণ সোধিতা। বিভাগেন কারিএ মাধার
অবক্রমণ। ৪৪। (৫৮ পৃঃ)

(খ) হৃদয়ে চিল্লিপিলক্ষণ বিচ্ছেদ। গুণ যেষা শুভভঙ্গ। আচার ত্বতির কর্ম।
পুষ্যবন্ধ গিহিগুধিকি। নানা শীল প্রমাণতঃ। প্রসাদন্তপভাবনা তত্র কর্ম প্রমাণং চ।
শূত্রধারং চ কারয়েত। ৯। হিন আচারিজ ন কৃতং। হিন শ্লিপি ন কারএত। তত্র কর্ম
বিবলং নন্দং। যথা পুংস্ব নপুংসক। ১০। অর্থহিনে যথা শ্লিপি। পথহিনে তথৈবচ।
এবং কর্ম ক্ষোভন্দেসং। ন পদিসু কদাচন। বিকোণ কোণ হোইলে কি দোষ হোই তাহা
জানীয়া। যত্র কোণ বিকোণং চ বিদিত্তে স্বধারণা। অর্থ হিনে প্রজাপীড়া নিতি চঃখ
সমাচরিত। ১২। অর্থহীনে নৃপনাসর। অর্থ হিনন্ত ক্রিমা। বভছে নক্রপিড়া শূলব্যাদি
মরণে ধুব। ১৩। বলহীনে মহাদোসা। রায়ারাষ্ট্রকুলক্ষয়। সান্ত্রহীনে ন কুণ্যাতং।
ক্রতব্যা সান্ত্র দৃষ্টিতেঃ। ১৪। (৪-৬ পৃঃ)

যেন শূত্র মাধারণা। বীকোণ কোণ সোধিতং। অর্থ বিভাগন কারতু। মধার সর্ব
কর্মণা। ৩১।

নোট—যতটুকু বুঝিয়াছি তাহাই অনুবাদ করিলাম। ‘বিকোণ’ অশুদ্ধ কোণ।

অনুবাদ—যে শিল্পী মন্দিরের কোণ (angles) অশুদ্ধ হইলে তাহাকে ভাঙ্গিয়া ঠিক
করিতে পারে তাহার হাতে প্রাসাদ গড়াইবে। রাজার প্রাসাদ করিতে হইলে নানা
শিল্পিকে ডাকিয়া তাহাদের কাছে মতামত (৭) লইতে হইবে। যে রকম কাজ সেই হিসাবে
স্বত্বধার অর্থাৎ শিল্পি নিয়োগ করিবে। তাহা হইলে ধর্ম পাইবে।

বিশ্বকর্মা মেরুকে বলিতেছেন, “হে মেরু শোন, বজ্রমান আচারবস্ত্র ও গুচি হইবে। স্ত্রী
পুরুষে সঙ্গে পুত্র লইয়া গুড কাজ করাষ্টবে। ব্রহ্মা, বিশ্বকর্মা, দিকপাল, নবগ্রহ ইহাদের
বরণ করিবে। তাহা হইলে অশ্বমেধ যজ্ঞের ফল পাইবে। হীন আচার্য বা হীন শিল্পী
ডাকিও না; পুরুষ নপুংসক হইলে যেমন নিরর্থক হয়, তোমার কীর্তি ও সেইরূপ হইবে, তাহার
উপর নিরর্থক নিন্দা পাইবে।”

(ক) স্রবহীনে বজ্রমানস্ত্র মতহীনে রিহুবা শিল্পিত্বহীনস্তা ন প্রতিষ্ঠা সমোরিপু।
যেউ বজ্রমান স্রবহীন হোই। যেউ ব্রাহ্মণ মন্ত্রহীন হোই। যেউ বিদ্বান শিল্পি ন জানে।
তাকু ন ডাকিব। ডাকিলে কি হোই সে প্রতিষ্ঠা ন হোই। রিপু হোই এমনস্ত সে কৃতি।
২৮। (৫৩ পৃঃ)

অনুবাদ—যজ্ঞমানের যদি স্রব্য (মাল মসলা, টাকা) কম থাকে, মন্দির নির্মাণ কার্যে
তাহার প্রতিষ্ঠা হইবে না। সে কার্য তাহার শত্রু হইবে। যে ব্রাহ্মণ মন্ত্র জানে না, যে শিল্পী
শিল্পশাস্ত্র জানে না, তাহাদের ডাকিবে না। তাহাদের ডাকিলেও ঐক্লপ ফল হইবে।

গৃহ প্রবেশ বিধি

- (ঘ) ব্রাহ্মণে সন্তুষ্ট করাজি। বজ্র কুটুশে স্নেহ বহি ॥
মঙ্গল উৎসব করাজি। গৃহে প্রবেশ হেব যাজি ॥
শ্রীমত ভাগবত ধিব। সেঠারে পঠন হোইব ॥
জগন্নাথকু স্মরিব। মণোহি কিছ করাইব ॥
এরূপে যে নর করজি। কেবেহে লক্ষ্মী ন ছড়াই ॥
বিপত্তিমান পলাইবে। স্মদর্শন রক্ষা করিবে ॥
নালাদ্রি পতি পাদে ধ্যান। নিয়ন্তে বহু মোর মন ॥ (২৩ পৃঃ)

অমুবাদ—গৃহ প্রবেশ করিয়া ব্রাহ্মণকে সন্তুষ্ট করিবে। বজ্র কুটুশের স্নেহ বহন করিয়া মঙ্গল উৎসব করিবে। শ্রীমৎ ভাগবত পাঠ হইবে; জগন্নাথ দেবকে স্মরণ করিয়া কিছু মানত করিবে। গৃহে ভাগবত থাকিবে। এরূপ করিলে গৃহস্থকে লক্ষ্মী কখনও ছাড়িবেন না। বিপত্তি হইতে স্মদর্শন চক্র তাহাকে রক্ষা করিবে। নালাদ্রিপতির পায়ে আমার মন নিরন্তর থাকুক এই প্রার্থনা।

শালাবৃদ্ধি

• (ক) শ্রবর্তাপ বর্জরে কথিতে কাল গৃহে স। ধ্রুংমৃত্যু বিনিদ্রশ্রুতে। দীপধূপ শত জন্তনে। শ্রবপ্লবি সিলিপিব। শ্রবদিপাল্লবয় দৃশ্রতে পূর্বদপ্লবে। অর্থ লাভ মনুপ দক্ষিণে প্রজাহানি। দারিদ্র্য হুঃখ পীড়ন ন কৃত গৃহকক্ষাণি। কজানি শ্রমীপ্লবতে। (২৪ পৃঃ)

(গ) ঘর সরি করি তোলালা উত্তারে পছে কেঁউ আড়কু বড়িলে কি হোই। এহাকু শালাবৃদ্ধি বোলি। প্লোক। পূর্বপ্লবো বরোবৃদ্ধি উত্তরে ধনদোপ্লব পশ্চিমে ধননাশায় দক্ষিণে মৃত্যুরেবচ। অর্থ। পূর্ব দিগকু বড়াইলে কুটুশ বৃদ্ধি হোই। উত্তরকু বড়াইলে ধনক্ষয় হোই। দক্ষিণকু বড়াইলে মৃত্যু হোই। ঘর তোলাআ কেঁউ আড়কু উচ্চ হোইলে কি হোই। স্বাশ্রিত পূর্বতে নরানাং শাস্ত্র ধন দক্ষিণ ভাগদুপ্লব ক্ষয়ধনা নি বিনয় প্রতীক্ষা যুবতী বিনাশ ভয়গোতরণে অর্থ। পূর্ব আড়কু তুলিয়া উচ্চ হেলে ধনক্ষয় হোই। দক্ষিণ আড়কু উচ্চ হেলে ধনবন্ত হোই। পশ্চিম আড়কু তুলিয়া উচ্চ হেলে ধনক্ষয় হোই। উত্তর আড়কু তুলিয়া উচ্চ হেলে ভাখ্যা শ্রবই।

- (ঘ) পূর্বপ্লবো বৃদ্ধিকরো ধনদশোন্তবপ্লবঃ।
দক্ষিণোমৃত্যুদশ্চৈব ধনহা পশ্চিমপ্লবঃ ॥

নোট—সাধারণতঃ দেখা যায় 'শ্রব' ইহা 'শ্রব'রূপ ধারণ করিয়াছে।

(ক) অতি স্পষ্ট, তাই শুধু (গ) (ঘ) এর অমুবাদ দেওয়া হইল।

(গ) এ 'উত্তরকু বড়াইলে ধনক্ষয় হোই' ইহা স্পষ্টই ভুল।

অনুবাদ—ঘর সমান করিয়া তোলার পর কোন দিকে বাড়িলে কি হয় তাহা বলা হইতেছে। এইহাকে শালাবৃদ্ধি বলে। পূর্বদিকে খাড়াইলে কুটুম্ব বৃদ্ধি হয়, উত্তরে ধন লাভ হয়। দক্ষিণে মৃত্যু ও পশ্চিমে ধননাশ হয়। ঘরসমান করার পর কোন দিকে উচ্চ করিলে এইরূপ ফলাফল হয়। পূর্বদিকে উচ্চ করিলে গৃহীত ধনেশ্বর ও দক্ষিণে ধনবস্ত হইবে, পশ্চিমে করিলে ধনক্ষয় ও উত্তরে ভাষ্যার মৃত্যু হয়।

(প্রথম ভাগ সমাপ্ত)
